

















# GLEANINGS OF PAST YEARS,

1843-50.

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## I.

### PRESENT ASPECT OF THE CHURCH.

1843.

1. THE actual state, and probable development, of religious tendencies existing in the Church of England supply a subject of consideration profound in its depth, inexhaustible in the interest which attaches to it. We can only hope to touch it here and there upon the surface. We approach it with the deepest impression, that in the present condition of the Church, charity, founded upon a sense of our Christian brotherhood, forbearance, and considerate forethought, are the very first requisites of useful discussion of her concerns: and if we positively offend against this rule, we have thus supplied in the outset the means of judging us out of our own mouth. As to the rest, if we require apology for venturing upon ground so sacred, we plead the rapid growth of the question in its importance and pressure upon the minds of men, the immense moment of its issues, and the aspect of universality which it has assumed.

2. Five years ago, a writer in the *Edinburgh Review*,

\* First published in the *Foreign and Colonial Quarterly Review* for October 1843. [There is something of a sanguine crudity in this Essay, which will be readily perceived. It may, however, serve as part of the materials, from which the religious history of a critical period will have to be finally written.—W. E. G., 1878.]

evidently actuated by a serious and earnest temper, examined the subject of what is termed the Oxford or Tractarian movement (and we will take the opportunity of asking pardon on the ground of necessity for using here or elsewhere a class of descriptive phrases always open to much exception), in an Essay on the First Part of Mr. Froude's Remains. Estimating the work as most men would then have done, the Reviewer evidently regarded it as little more than a feeble, casual, and desultory effort of the enthusiasm or caprice of a small knot of persons. The contrast indeed was drawn between Froude and Whitfield, as if between what is barren, transient, and abortive, on the one side, and, on the other, what has the true gifts of comprehensive view, and of creative power. The critic, approaching the close of his labours, writes thus, in a temper of evident comfort and satisfaction :

"Luther and Zuingle, Cranmer and Latimer, may still rest in their honoured graves: 'Take courage, brother Ridley, we shall light up such a flame in England as shall not soon be put out,' is a prophecy which will not be defeated by the successors of those who heard it, so long as their confessors shall be vacant to record, and their doctors to publish, contrite reminiscences of a desire for roasted goose, and of an undue indulgence in buttered toast."\*

And again, in speaking of the passages he has quoted, the Reviewer proceeds to observe :—

"They may convince all whom it concerns, that hitherto, at least, Oxford has not given birth to a new race of giants, by whom the evangelical founders and missionaries of the Church of England will be expelled from their ancient dominion, or the Protestant world excluded from the light of day and the free breath of heaven."†

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\* *Edinburgh Review*, July 1838, Art. X. "On the Lives of Whitfield and Froude—Oxford Catholicism," p. 530. † *Ibid.* p. 534.

3. Yet in nearly the most recent number of that Review, that for January of the present year, there are no less than three articles handling different parts of what in one of them is termed "that great controversy, or rather complication of controversies, to which the discussion of what are called high church principles has recently given rise;" a more remarkable and emphatic testimony, we apprehend, than any mere words could have afforded, to the magnitude in which the subject now presents itself to the public eye, to its comprehensive range, and the searching nature of its influences. The stone has grown into a rock, if not a mountain. In places and in publications, usually the most abhorrent of religious discussion, the force of circumstances has compelled the introduction of some notice of these controversies. On several occasions during the present year, while the Factory Education clauses were before the House of Commons, the increasing prevalence of Catholic sentiments in the Church, has formed a prominent topic in the debates of that assembly; the lower organs of the press are loud, and of course most extravagant, in their statements of the progress of the contagion; and even the philosophic radicalism of the *Westminster Review* has condescended to notice the matter, with censure full of apprehension and alarm. We conceive it must now be admitted, from the convergence of such various and unsuspected testimony, that the features of this movement force themselves upon the view of all, either for good or for evil, for reprobation or for encouragement. Consequently, no Review, which seeks in any degree either to inform or to represent the mind of the country, can wholly exclude the consideration of them, and of what they indicate, from its pages.

4. It is now somewhat more than ten years, since



four or five clergymen of the University of Oxford met together, alarmed at the course of Parliamentary legislation with respect to the Church, at the very menacing and formidable attitude of Dissent, in its alliance with political liberalism, and at the disposition manifested in the Establishment itself to tamper with the distinctive principles of its formularies. They met in private, and resolved to make an effort, through the press, to revive, not the doctrines, but the lively reception and impression of the doctrines, which relate to the visibility, perpetuity, and authority of the Church of Christ, and to the spiritual essence of her ministry and ordinances. The series of publications called 'The Tracts for the Times' were the first fruits of that meeting.

5. No secular power, no episcopal sentence, no courtly, aristocratic, or popular influences added one tittle of impetus to the movement which was thus commenced. The bishops had not recently been accustomed to instruct their clergy, in their Charges, upon matters connected with the constitution and authority of the Church; but rather upon such as had relation either to its circumstances as an establishment, or else to their pastoral duties in their parishes, and to the mode of preparation for them. Indeed we believe, that no single prelate took public notice of what is now known as the "Oxford movement," until it had reached its later stages. Its chequered characteristics, some four or five years ago, appeared to the Bishops of Oxford and Exeter, in particular, to require the administration of praise, mixed with warning, and even with censure. As to the Court and the House of Lords, no person, by word or act, has ever imputed to either, we believe, that they had part either in the merit, or the blame, attaching to the efforts for the restoration of

Catholic principle and feeling. The House of Commons, again, is only known to the public in connection with those efforts, from the circumstance that it has several times been the scene of vigorous or violent attacks upon them, contrasted with defences in a much more subdued and apologetic tone. The leaders of all the political parties in the State are popularly imagined to regard with the most decided aversion that which is called Puseyism or Tractarianism. The patrons of livings are generally men, who were educated at a time when all such questions slumbered in unbroken repose. Persons thus trained, it is well known, do not in mature or advanced life readily allow new elements of religious conviction to obtrude themselves among those, which they have already received, and which, having settled down into quiet equilibrium, might be materially incommoded by the vivacity of the new comers. We do not mean that, as a class, and as compared with other classes, they are otherwise than conscientious. We mean that, according to the constitution of the human mind, everything tends towards fixity, as life proceeds; and that, upon the whole, each generation of our gentry carry with them to the grave that set of doctrinal and ecclesiastical impressions, which they received at the University, without material enlargement or modification.

6. Upon the whole, then, looking to our ecclesiastical and political governors, and to those who, though neither strictly speaking the one nor the other, yet exercise so powerful an influence upon the Church, namely, the proprietors of the soil in the character of patrons, we seem to find, that every secular and human influence from above has been against, and not in favour of, the Oxford writers. Nor is it less material to remark, that the general ten-

dency of the times, and of other Protestant bodies, is in a direction wholly opposite to theirs. In the Church-establishment of Scotland, for example, during the very same decennium which is the subject of our present review, a movement of proportional magnitude has been in progress, and has in the spring of the present year found a consummation in the secession of nearly two-fifths\* of its ministers.

7. This secession, involving the sacrifice of station and independent emolument for conscience sake, has been founded upon a reaction from the tame domesticated Presbyterianism of the eighteenth century, towards the advanced developments of the Scottish Reformation. Indeed we believe the charge of Puseyism has been, ridiculously enough, advanced against those who have remained in the Presbyterian establishment; for they thereby deliberately, and we doubt not conscientiously, continued to separate themselves from the communion of the Bishops of that country. And the movement in Scotland towards a more extreme Protestantism received its main impulsion from the same social and political concussions of the years 1831-3, which in England produced a precisely contrary result. Thus it is that in periods of pressure, men, and the institutions to which they belong, are driven back upon their first principles. The English Church, put upon her mettle, has shaken off the conventional and secular influences which clothed her in an Erastian disguise, and has lighted up, with the rapidity of wild-fire, the blazing title of Catholicity upon her brow. The Scottish, ridding herself of the very same accidental

\* [An under-statement of the final result. See the 'Ten Years' Conflict.'—W. E. G., 1878.]

integuments, has displayed to the world the bony configuration of her Genevan skeleton. We say the Scottish Church,—for although it is true that the popular party in that body has now retired from its precincts, we apprehend there is no reasonable doubt that that party is the genuine modern representative of those who, in the sixteenth and seventeenth centuries, effected the separation of the Scottish nation from the Episcopal line.

8. We have been led by this contrast, almost unawares, to express the conclusion towards which we are naturally brought by the previous remarks: namely, that without taking particulars of exception into view, but regarding the operation as a whole, that operation has been a development from within of something rooted in the mind and sense of the Church herself; not proceeding from fortuitous causes, not coloured by individual caprice, nor by merely individual genius, piety, or learning, but a tribute providentially supplied to the imperious necessities of the time, whose emphatic language sounded in the ears of the English Church, bidding her either to descend from her high place, or else to assert its prerogatives, and discharge its duties. It was impossible for her any longer to stand in the public opinion upon the grounds of political utility, of national tradition, of an accommodating tone of doctrine, too long and too widely prevalent, which, instead of rousing dead consciences like a trumpet, made itself in a certain sense agreeable and popular, by humming and lulling them into deeper slumbers. Administrative abuses, such as non-residence, pluralities, and the progressive reduction of sacraments and other services, had reached a most frightful height; and the progress of reforms, late begun, for some time appeared to be so slow, that it was

to be feared the scytke of the destroyer might overtake them, and remove the abuse and the thing abused together. The clergy were, as a body, secular in their habits; and, unless in individual instances, had fallen altogether below the proper level of their lofty calling, although they continued to be much above that of general society.

9. The lives of the portion of our youth, intended to recruit their ranks, were generally unrestrained; and they passed at the period of their ordination, from indifference or dissoluteness to decency, rather as a matter of social arrangement, than as the fruit of any religious emotion, or effectual training for the most sacred and awful of all functions. Those, who were pious and earnest, had for the most part to frame standards of character, of discipline, and of action, for themselves; so that the priestly type, in its sanctity and elevation, was almost obliterated. A faithful few, indeed, ever continued to exhibit it, and, in their teaching as well as in their life, to embody the true spirit of the Church: but they were lights rather each to his own sphere, than to the country as a whole. In fact, the Church of England at large had seemed at one time to be rapidly approximating, in practice, to the character of what a powerful writer\* denominates, in homely phrase, "a sham"; an organisation of vast dimension and detail, professing to convey to the door of every native of the country Divine grace and knowledge, but really being, and meaning to be, little more than a provision for supplying younger sons, tutors, and incapable persons in general, with an independent livelihood, and a position in society; and for the perfunctory discharge of a minimum

of religious offices, in public places but just kept weather-tight for the purpose, without the establishment of anything like a personal and spiritual relation between the pastor and his people, and without the smallest appreciation of the high and holy aims embraced in the adjustment, by our forefathers, of her services and her discipline.

10. This, we say with pain and shame, was what the Church of England appeared to be about to become. It is true that amendment had commenced before the year 1833 : but while this was the case in particular parishes, in other localities the process of degeneracy and decay was still regularly advancing, as the nature of all corruptions is to go from bad to worse, unless and until, by some vigorous check, and the infusion of a new principle, the course is reversed. Many excellent Bishops were striving to stem the tide ; and, in particular, we apprehend that the present Bishop of London\* will be honourably remembered by posterity, as one of our earliest and most efficient reformers of practical abuse. But the efforts of individuals, and even of individual governors, were feeble against a general deterioration ; the more so, since the reaction in favour of personal piety was connected with a school of doctrine wholly destitute of the spirit which pervades the sacramental and ritual system of the Church ; and since, accordingly, it assumed a form distinct and even alien in the public view from hers, and appeared less bent upon the revival of her institutions, than upon devising new modes of development for the religious life of the country, which were to be substituted for the ancient channels seemingly well-nigh blocked up.

Personal zeal, faith, and love increased; new forms of association were invented; new services were devised, based not upon liturgical models, but upon the practices of the Puritans, or approximating to them as nearly as the state of discipline, and of a public opinion still regardful of what was established, would allow in each particular locality. A sort of school of popular divinity arose, common in what it included to churchmen and dissenters, and therefore necessarily excluding the great principles, which have since so much more powerfully asserted their position.

11. In this detail we do not wish to undervalue the importance of the amendments actually made, nor the honour due to those concerned in promoting them, nor, let us add, the shame attaching to many who persecuted, to the utmost of the small power allowed them, the Evangelical teachers.\* But we seek to point out this momentous fact, that they were amendments made by certain persons in the Church, not by the Church herself. On the contrary, they were connected with elements actually tending to disorganise her distinctive constitution, and to assimilate her in everything, but a set of external forms, scarcely worth contending for when divested of their sacred companionship with the deepest principles, to the societies which profess an anti-Catholic Protestantism. Had the divinity of Mr. Scott, for instance, given the tone to the whole body of our clergy, and to our laity in the mass, it is clear that whatever good effects might have been produced by it in some, and those two most import-

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\* [I retain in full the sentiment here expressed. But justice requires me to observe that the persecutions to which I referred were verbal only. They conformed to the precept of Athénè (II. i. 210)—

“ Rail if thou wilt, but draw thou not the sword.”

W. E. G., 1878.]

ant particulars, it would have engendered a spirit, that must absolutely have required our formularies to be remodelled in the Genevan sense. In the Evangelical movement, as such, there was no promise for the institutions of the Church, but rather a prospect that they would be more and more dissociated from all true spiritual meaning; that they would then be relaxed and dispensed with, as superfluous in themselves, and as causing unnecessary divisions in the Christian world; and this in an order commencing with such Services, and parts of Services, as most prominently declare the doctrines of what we may call the Catholic or Sacramental system.

12. We do not mean that there were no moral affinities, no capacities even of close alliance and amalgamation, between the teaching of those who are ever to be honoured for their witness to the doctrines of grace as opposed to those of a narrow, frigid, and abstract morality, and that of the later school, who have brought into general prominence the doctrine of the Church, as the living and perpetual stewardess of the ordinances of grace. Who, that remembers the writings of Nicole and Pascal; who, that cherishes the memory of the yet more venerable and mighty name of Saint Augustine, can fall into the vulgar error of supposing that the champions of the doctrines of grace, and those of the high spiritual theory of the Church, must necessarily be found in opposite ranks? On the contrary, the sum and substance of our charge against the Evangelical system, such as it was thirty years ago, is, that it was a partial and defective system, and required the admission of new and potent elements. But, as matter of fact, this unnatural and false opposition between ordinances and grace did exist, to a certain extent, in this country. The secret, so to speak, of the close relationship



between what is Catholic, and what is, in the best popular sense, evangelical, had not been discovered. It was assumed on the one hand, that those who taught the grace of baptism must be Arminians at least, with a Pelagian leaning; and, on the other, that it was impossible to set forth freely and warmly the truths of original sin, of the Atonement, and of the influences of the Spirit as the root and first spring of holiness, without reducing the sacraments to naked signs, void of all proper spiritual efficacy.

13. We do not say that the elements of which the best theological teaching ought to be composed, have as yet, in any school, or in any large proportion of writers or teachers among us, adjusted themselves, by their reciprocal action, in a perfect equilibrium. But the fundamental proposition which we seek to establish and illustrate is this; that the popular divinity of thirty years ago, although it had indeed many recommendations in comparison with that which it resisted and displaced, and although it sprang from the vivid reawakening of religious instincts and desires, yet did not spring out of, nor stand in harmonious relations with those principles which belong to the constitution of the Church, and did not avail to secure for those principles, and that constitution, their proper place in the Christian system. And thus the restorative process, which we rejoice to honour even in its crude commencement, was both narrow in its extent, and, what was worse, faulty in its quality, because it did not comprehend the elements necessary for its own permanent immunity from deteriorating influences.

14. But strange indeed it would have been,—at least in the view of those, who regard the Church visible and Catholic as the everlasting Spouse of Christ, dowered

with the gifts which He purchased by His blood and tears,—most strange to them it would have been, if in a great religious revival, that Spouse had not found herself a voice for the assertion of her prerogatives. It is not, indeed, for her to do battle with her foes, like earthly potentates, for the sake of acquisition or possession, of admiration or renown; but her prerogatives are also her duties, and by them alone can she discharge aright the high trusts committed to her by her Lord. And so, in an order which seems to us to bear every mark of the hand of Almighty wisdom, after that the embers of faith and love had been extensively rekindled in thousands upon thousands of individual breasts throughout the land, there came next a powerful, a resistless impulse, to combine and harmonise the elements thus called into activity, to shelter them beneath a mother's wings, that there they might grow into the maturity of their strength, and issue forth prepared for the work which might be ordained for them to perform. This was to be done by making men sensible, that God's dispensation of love was not a dispensation to communicate His gifts by ten thousand separate channels, nor to establish with ten thousand elected souls as many distinct, independent relations. Nor again was it to leave them unaided, to devise and set in motion for themselves a machinery for making sympathy available and co-operation practicable among the children of a common Father. But it was to call them all into one spacious fold, under one tender Shepherd; to place them all upon one level; to feed them all with one food; to surround them all with one defence; to impart to them all the deepest, the most inward and vital sentiment of community, and brotherhood, and identity, as in their fall so in their recovery, as in their perils so in their hopes

as in their sins so in their graces, and in the means and channels for receiving them.

15. That, therefore, which we are now discussing, was not the original and casual thought of three or four or more individuals; it was a link in the great chain of causes and effects, by which the mind of this country has now, for half a century and more, been made the subject of so remarkable and of so general a religious progression and development. To have had the smallest share in impelling the movement of which we speak, was indeed an honour; to have had a greater share in directing it, a surpassing crown; to have marred it by temerity or excess, among the heaviest of sorrows. But do not let us suppose that, in contemplating it, we are contemplating an affair of mere individual volition. It is, as a whole, the divinely prompted answer of our Christian humanity to its own cry for its proper meat and drink. It is as much the offspring of providential necessity, as any great historical event of any age. Let us add, it was the infallible sequel and complement of the work of religious renovation. That work began apart from, and almost in antagonism to, ecclesiastical rule. But it never could be complete, or fully worthy of its Author, until it ceased to deal with men as isolated individuals, and steadily and uniformly regarded them as members of that Divine society, within which they are appointed "to grow up into Him in all things, which is the head, even Christ; from whom the whole body, fitly joined together, and compacted by that which every joint supplieth, according to the effectual working in the measure of every part, maketh increase of the body, unto the edifying of itself in love."\*

16. It may be said that this is theoretical reasoning; that it indicates what should or might have been, according to the arbitrary notion of an individual writer, and not what was. But let it be submitted to the test of common observation. We assert, without the fear of contradiction, that the progression of which we speak is, as a whole, the progression not of a party or section, but of the Church. Some few individuals there may be, who may have been scared through their own sensitive timidity, some few who may have been scandalised by particular excesses or defects of act or language, into a mood of more decided aversion or suspicion towards Catholic principles and practices, than any of which they were formerly conscious. Yet even here, as we believe, the process has rather been to evoke what had been latent, than to infuse what was new. But when we speak of the country and of the Church at large, it is evident that the body, as a body, moves forward, from year to year, we might almost say from day to day, in the line of Catholicism: of Catholicism we admit, regulated and tempered by the Anglican mould in which it has been cast, but involving all its essential principles, and more and more predisposed to their development.

17. Shall we call evidence in proof of this position? Listen to the allegations of Dissenters. Remember the language which they held, and we doubt not, held according to their own consciences, during the present year, for the defeat of the Educational clauses of the Factory Bill, proposed by the ministers of the Crown. One of the leading allegations from all quarters was, that the plan proposed to entrust a paramount influence in the training of the young, to a clergy infected as a body with what they term the most essential and worst peculiarities of

popery; a clergy containing, they admit, a number of members not thus defiled, yet this a decreasing number, and in its corporate character justifying the charge which they have made.\* The Wesleyans, indeed, contrasted the scheme of 1843 with the Bill of Lord Brougham, about a quarter of a century ago, in this very respect, that the disposition of the clergy to put prominently and generally forward the distinctive doctrines of the Church, has, during that interval, assumed a form altogether new. But some will say, they are enemies: they are prejudiced.

18. Shall we then turn to a very different class of witnesses, the Episcopal Charges of the last few years? Certainly, in this resort, we are not doing injustice to the opponent, because there is scarcely one of those Charges that does not convey some degree of animadversion upon particular writings, or tenets, or practices, of the Oxford divines, or some of their adherents. We have seen those of the Bishops of London, Durham, Winchester, Salisbury, Exeter, Chester, Llandaff, St. David's, Ripon, Lincoln, Gloucester and Bristol, Oxford, and Worcester; a goodly squadron! They are the only ones, as we believe, which have been generally circulated, and almost the only ones which have been delivered. Let any person examine them as a whole; and we do not fear his verdict. He will find that there is indeed not one of those Charges that tends (to employ language which has attracted much notice) to "unprotestantise" the Church of England, or to make it retire further and further "from the principles,

\* See for example the Letters addressed by the Wesleyans of Leeds to Mr. Wortley, the member for the West Riding. Most of the Resolutions passed at the various meetings of Dissenters advert to the same topic.

if such there be, of the English Reformation." Yet on the other hand, it will also appear, that there are very few of those Charges which do not tend to Catholicise the Church, not by imparting what it has not, but by exhibiting and enforcing what it has: very few of them which do not tend to check the action of those destructive elements, which gave even to the English Reformation a portion of its impetus; and to assert and vindicate the legitimacy of those great tenets relating to the Church and to the Sacraments, which are after all the matters really and fundamentally at issue, in the present conflict of minds and sentiments. Of the thirteen Charges we have named, we conceive that this description applies without doubt to nine: of the remaining four, there is but one which seems explicitly to convey a low doctrine of the Church and the Sacraments, and even that, as we conceive, is made up of irreconcilable propositions.

19. The fact that they generally notice with regret or disapprobation, either the Oxford writers as a school, or some portion of their acts or expressions, does but tend to strengthen our position, the full apprehension of which we conceive to be absolutely necessary in order to any sound view of the question, that the development of Catholic tenets and practices in the Church of England is essentially a development not confined to a section, but pervading the body at large. We do not now inquire, nor do we beg the question, whether it be consistent with her reformed institutions, and with a cordial and loyal attachment to them; but we fix it in view as a fact, almost alike admitted and alleged on all hands, though by some for lamentation not less than by others for thankfulness, that there exists a certain sympathetic action, which has affected the mass of the clergy and laity of the

Church of England, and which advances from year to year in a direction essentially the same as that indicated, at all events during their earlier stages, by 'The Tracts for the Times.'

20. We have cited the Dissenters, we have quoted the Bishops. Shall we quote the altered and altering architecture and arrangements of our churches—a change closely akin to the operation of the most important principles? The increasing frequency of sacraments and services? The vigour of those efforts, which the Church has made and is making for the organisation of her full apostolical constitution in the Colonies? Shall we cite the important recognition of the principle of religious unity, which will assuredly carry its consequences with it, in the adoption by the Church Missionary Society, and by that for the Conversion of the Jews, of rules which, for the first time in the history of those bodies, have recognised the authority of the Bishops of the Church as such? Shall we remind our readers that the Ecclesiastical Commission, which, in the Act of 1836, was composed of eight laymen, of three prelates *ex officio*, and of two prelates removable at pleasure, by the Act of 1840 comprised all the Bishops of the realm of England and Wales as such, nay, made them a large majority of the corporation? Or that the Bishops of Scotland and their clergy were, about the same time, relieved by an Act of Parliament, passed with universal assent, from the ignominious and schismatical disability, under which they had been placed by the prohibition to officiate in England or Ireland, contained in the Act of 1790?

21. Nor is it enough to appeal to public and glaring signs of the advancing influence of the cardinal principles of religious communion. Let each man exercise his own

observation in detail, around his own immediate circle, upon the objects which there fall within his view. In almost every case he will perceive that, underneath all the public excitement and alarm, and amidst the stir of prevailing controversy, there is, notwithstanding, a general growth of the perception of Church order and authority, as a constituent part of the laws of our religious life; that an ecclesiastical temper makes constant advances, upon the whole, both among the clergy and the laity; that there is an increasing thirst for all sacred ordinances; and that, even in protesting against the excesses, real or presumed, of Tractarianism, men in general, with the exception of a few, a very few, unruly spirits, are coming more and more under the power of those essential principles which have earned both its honours and its nicknames. Indeed, more than justice has been done to the name of Tractarianism, as well as less than justice to that which it is taken to indicate. Principles authoritatively professed by the Church of England, and entering deeply into her essence, taught even at the worst periods in the Church of England, and uniformly enforced by her great divines, have by intrinsic weight forced themselves once more into the general view. We contend that those who denominate this restoration of the system of the Church herself Tractarianism, err as much in excess of honour to the term, as in defect to the substance.

22. It is, however, an old stratagem of persons engaged on behalf of a party, to endeavour to identify their party with the country at large, not by throwing open the first to the larger and more generous influences of the other, but by disguising in the garb of the country the narrow and selfish and partial aims of the party. Nor have we



the smallest right to claim credit for sincerity and for self-knowledge when we aver that the object of our affection and solicitude is emphatically the Church, and not a party in the Church. We do not call upon our readers to accept it as a *dictum* of authority, that certain modes of thought and feeling are daily acquiring a more and more general sway. But, having propounded this as a *thesis*, we endeavour to support it by quoting the testimony alike of those who adopt and of those who repudiate them, and by appealing to the evidence which the ordinary observation of individuals, and public notoriety, supply in such abundance.

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23. Another cluster of signs, apparently hostile to that allegation, may be found in several pamphlets which have been published by three clergymen† on the subject of the Charge delivered in the autumn of 1842 by the Bishop of London. We believe that these tracts, which are aimed chiefly at the doctrinal parts of that Charge, are the offspring of purely individual sentiments. No general interest or vivid response has been excited by them. They proceed from persons, whose school of opinion belongs essentially to a transition state: one that had its climax in the last generation, and will probably, within the

\* [I have struck out the next two paragraphs, mainly of a somewhat ephemeral character. They animadverted on the sentence, then recent, against Dr. Pusey, for a Sermon on the Holy Eucharist. They approved, by implication, of the censure passed on Dr. Hampden by the University of Oxford. This censure, alike in its form and in its substance, I have very long regarded as a great error, chargeable alike on the High Churchmen of the day and the Low. Though I had no direct concern in the act, I wrote many years ago to Bishop Hampden to express the opinion I have here given, which extends to other acts of proscription.—W. E. G., 1878.]

† Dr. Holloway, Mr. Yorke, and Mr. Sutcliffe.

Church, have its *quietus* in the present or the next. As individuals, they may be immovable in the traditions which they have received from Mr. Scott and Mr. Simeon : but, as a class, they are so much at variance with the fixed formularies of the Church, from the narrow and starveling form of their doctrine, that they are under a moral necessity of becoming either better in their sentiments, or worse in their position. They will perhaps move gently onwards with their fellow-churchmen to a fuller appreciation of their own office, and of the rites they are appointed to administer. If not, their position, which was only just to be endured at a period when the rubrics were a dead letter, and when the baptismal Service was not made the foundation of the pastoral care, as Baptism itself is of the Christian life, will become quite intolerable, when the reinvigorated institutions of the Church remind them at every turn of the discrepancies between her essential tone and theirs. But the former of these alternatives will be, we believe, the common one, as it is also the one to be desired—to be devoutly sought by desire and prayer. For the Church can spare the fervour, energy, and love of none of her sons ; and sad indeed it were, if those who seemed first to acquire the sympathetic consciousness of her own intensity of yearning for the souls of her children, should hereafter prove incapable of comprehending the more mature and perfect lessons of her wisdom, and should go forth from her bosom, and from the circle of gifts and blessings, her perpetual inheritance.

24. Having spent thus much of time and space in describing the extent and range of what is so insufficiently termed the Oxford or Tractarian movement, we proceed to urge some considerations concerning its character, and

its actual and probable effects. To have established that it is wide and general in its scope, does not lighten the pressure of this matter, but increases it. If it be true that hold has been taken of the Church in all her ranks and orders, if she be herself the subject of a great moral and spiritual development, every particular notion or practice which has been brought before the world assumes a tenfold importance, because it is clear that her own destinies and the fortunes of this mighty nation, which, in the last resort, she chiefly regulates, are involved, perhaps vitally in the issue. It is not now what a few preachers, or fellows of colleges, with a set of bigoted adherents to antiquated notions at their heels, may think or speak, that we are discussing. It is, what form and attitude are to be permanently taken by a most important member of Christendom, by the national Church of the greatest Empire of the world, which Rome herself regards as the head and chief of Protestantism, at a period which seems to be charged with the preparation of cardinal changes in the state and condition of mankind. And woe must be to those, who suffer narrow and unequal prepossessions, however fair the name under which they may take shelter, or any other human or secondary respect, to divert their view from searching the profound depths and lofty heights of this question itself to the mean objects connected with party and individual will; with the weakness, or the waywardness, or the selfishness, or the malice, in which our hearts abound until they have been thoroughly proved and purged by the force of Divine discipline.

25. Is, then, that which we have affirmed to be the as yet crude but genuine and powerful working of religious instincts, prompted by the Divine lessons in the necessity

of the time? Or is it, on the contrary, as some would aver, a hateful, traitorous device of the evil One, to rob the nation of its blessings and its treasures; to chain up the word of God; to bar the view of the Redeemer's throne, by interposing a crowd of created mediators; to defile the fountains of Christian purity of act and motive, by fixing rated compensations for sin, under which penitence itself becomes the pretext and the means of encouraging hardened disobedience of heart and life; or by adjourning until after death that holy discipline, which the wondrous scheme of human life is constructed to administer? Are we to cast disgrace upon the names and memory of those, who, three hundred years ago, as we supposed, had rid the Church among us of gross corruptions, and set her free for the pursuit of her holy warfare with renewed life and vigour? Is our national history bound up in great part with the grand protest and struggle that originated in their time, and resting upon it for much of its meaning and character, to be disowned and dishonoured by our return to crouch at the feet of the Roman Bishop, to admit his impositions, and to implore his pardon for our long denial of his sovereign authority? "Never, never, never," said Lord Chatham, would he, if he had been an American, have laid down his arms under oppression. "Never, never, never,"—would that we could add to the emphasis of his words,—will this people so forego its duties and its rights, as to receive back again to its bosom those deeply engrained mischiefs and corruptions, which Rome and her rulers still seem so fondly, God grant it be not inseparably, to cherish.

26. What, then, is the aspect of the Oxford movement towards Rome? Or are there aspects more than one? What is the actual state of feeling amongst us on the

subject of reunion with the Papal See? And what is the temper with which, according to our duty as men and Christians, we should regard her?

During the last eight or ten years, there have been made known to the public about as many cases of individuals who have been unhappily perverted from their allegiance to the English Church, and drawn into that schismatical communion over which the delegates of the Pope in England, with the name of Vicars Apostolic, preside. These cases have, naturally enough, been the subject of much animadversion and remark; and from them the inference has been very hastily and wrongly drawn, that, as a whole, the Catholic movement in this country is a movement towards a surrender of our spiritual liberties, by amalgamation with the actual Roman system. Three, we believe, of the persons in question have been clergymen, and one or two were junior members of the University of Oxford. But the only one among them, so far as we are aware, who was of the smallest note or experience as a teacher of religion, was Mr. Sibthorp, a popular and eloquent preacher. Much as we deplore the loss of a spirit so affectionate and devout from among us, at a time when patience, gentleness, and love are more than ever pressingly essential for our well-being, we must derive consolation on the part of the Church from reflecting, that Mr. Sibthorp was not one of those who had at any period acted in co-operation with Dr. Pusey and his friends; and that, although shortly before his abandonment of our communion he had sympathised with them, yet it was on his passage from the avowal of Low Church doctrine towards Romanism, that he, as it were, halted on their ground for a moment. He himself has ingenuously stated to the world, that the perusal of 'The Tracts for

the Times' actually delayed his removal into that communion of which he is now, we believe for the second time, a member.

27. If such be the case of Mr. Sibthorp, much more easily may it be said of the other brethren gone astray, that their unhappy lot should raise no prejudice against Catholic doctrines in the Church of England; for there is no proof that they were in any degree instructed in their real nature, or knew how they tend to fasten upon us the sense of her authority, and her commanding claim to our obedience. It is indeed perfectly possible, that the remote, indistinct, ill-instructed notion of these doctrines might have tended to mislead them; even as some, in the earliest times, supposed themselves to find in the doctrine of grace an excuse for continuing in sin. It is further possible, that the love of what is externally grand and moving in public worship, and the ideas prevailing among us with respect to the merits of the Roman Church in this respect, may have helped to bewilder persons of unstable mind, and to attract them, through the medium of their sympathies, by such a force, as drags a weak and ill-informed judgment along with it. It is possible, we grieve to add, that two other causes may have assisted in the production of these secessions. One is the imprudence and uncharitableness of some who suppose themselves the best or only supporters of Protestantism, which indeed Mr. Sibthorp distinctly names as a great instrument in the production of his own change. The other is the coldness towards their own spiritual mother, of some few of those who have laboured hard among us for the revival of Catholic feelings.

28. The loss, however, of these clergymen, no one of them high in station or distinguished as a divine, from

a body of fifteen thousand persons in holy orders, and of five or six lay members from a Church of twice as many millions, in a period of ten years,—for this is all that has been brought before the public,—is no very serious or alarming symptom of the approach of a general apostasy. And it is just to reflect, that these ten years have been years of greater mental excitement in the Church of England, than any that have agitated her for two, or, perhaps, for three hundred years. When the Wesleys began to rouse the national mind on the subject of personal religion, one of the consequences was the defection of a few clergymen, as well as, by degrees, of a large number of the laity, from the Church. They did not teach the theory of schism, nor did they sympathise as individuals with dissent. Yet, in the movement which they excited, there was a secret affinity favourable to it. Their operations were aimed at portions of the fabric of established and customary notions, and in shaking a part, they frequently brought down the whole. They taught what was different in many respects from the existing system, and because dissent was different from the existing system, dissent reaped a portion of the fruits.

29. There is a well-known form of false syllogism, as follows: A is not B, and C is not B, therefore A is C; corresponding with the false form of axiom, things unlike the same are like one another. Nothing can be more palpable than the absurdity, upon paper. But this presumptive similarity between things united only by a common antipathy is a principle of great practical power over the human mind and conduct. More especially is it so, where the systems mainly related by such an antipathy have at the outset something which to the vulgar view is like a common direction; as, for instance, the arc

of a circle and its tangent. And thus the teaching of the Catholic schools in the Church of England, went to represent to its members, as the true and normal system of religion, something flowing, indeed, out of her formularies, or at the very least, and in the most unfavourable view, consistent with them. But this scheme was obviously so far removed from the actually prevailing tone,—we should add, so far elevated above it,—that, as represented by jaundiced or incautious teachers, it appeared to be a sort of new creation, an essence different from that formerly known. The Romish polity was also something different from, and hostile to, the established system: there was an apparent and *primâ facie* relationship between them; the language of both ran high upon antiquity, tradition, authority, rites, symbols, sacraments, mortification, and, to sum up all in one most powerful word, unity. The impulse intended for the one, may thus have been insensibly attracted towards the other.

30. Rome had the presumptive advantage over Anglo-Catholicism, that her teachers had been more uniform in holding this language, while her rival confessed that for a century most of her living children had but muttered it. Under these circumstances, is it matter of wonder, that the subtle temptation to join the largest of all existing Christian communions, the highest in her claims, and the one vulgarly supposed to have maintained unbroken the chain of her traditions, should have occurred to many, should have been fatal to a few? In that hour of the perplexity of the understanding, to which candour itself and Christian love, in the difficulties of controversy, so powerfully contribute, when the balance of evidence has seemed to waver, there passes in dim vision, before the view of the imagination, the long line of saints and



doctors, of virgins and ascetics ; it sees the solemn procession, the illuminated altar, the prostrate crowd ; it hears the sweet music, it smells the savour of the fragrant incense ; the spirit seems to realise its beloved purpose of perfect prostration before God, profound concentration of love upon Him, entire satisfaction of all the faculties in His worship.

31. All this occurs to the mind, and with this a background of institutions intended to give permanence to its lofty tone, to secure the recurrence of these hours of rapture, and at the same time to apply the rod of daily chastisement to wayward appetite and selfish will. The whole of these imposing objects is mellowed and softened in that golden distance, which hides the revolting companionship that a nearer view discloses. And perhaps, last of all, the tottering and bewildered mind recurs to some savage invective in newspaper or magazine, which brand with the doubly damning guilt of idolatry, and of gross hypocrisy, worn for no other purposes than those of the most sordid avarice, all such persons as, abiding in the English Church, estimate it to be Catholic in its basis and in its tone, and seek to make it more and more so in its living members. Is it wonderful, we repeat, considering the power and fascination of the images we have thus faintly delineated, and the interfusion of partial truth in their magic combination, and considering how the sense of injustice and cruel wrong, and of Christian honour wounded in the tenderest part, and the hopelessness of overcoming antipathies of an almost fiendish intensity, distract and befool the mind of man, and drive it to acts of desperation ; is it wonderful that the temptation to seek even a false repose in the bosom of Rome, should have occurred to many, should have been fatal to a few ?

32. It is, in our judgment, far more wonderful to reflect, that of the many to whom this masterpiece of temptation must have been offered, they are so few to whom it has been fatal; so few, that neither in number, nor, as we believe, in almost any element of just weight and consideration, have the defections of the last ten or twelve years to Rome been more serious than those which have taken place during the same time from the communion of the Church of England to one or other of the forms in which the system; now half exhausted and effete, of Protestant separatism has clothed itself. We do not conceive that two clergymen can be named of the seceders to Rome, equal in influence, standing, and fame, to Mr. Evans of London, and Mr. Bulteel of Oxford, both of whom have separated in the opposite direction. Mr. Sibthorp was, indeed, if our recollection be accurate, the successor of Mr. Bulteel in the leadership of an ill-defined evangelical or Calvinistic school, among the young men of Oxford; but no second name, so far as we are aware, can be produced to complete the parallel.

33. But further; what, if it should appear, that the deserters to Romanism, during the last ten or twelve years of formidable excitement and alarm, are not more, or more important, than those of the preceding decennial period, when Tractarianism had not yet been born? If the one term has its Sibthorp, the other has its Spencer; with him were also, we apprehend, Mr. Ambrose Philips and Mr. Digby. These are names entitled to weight, and not easily to be matched from among those who have left us during the more recent years. We have thus slightly compared the secessions to Rome of a given period with those of a former one, and likewise with the secessions to Protestant Dissent. We might also compare the con-

versions to the Church of England and Ireland from Romanism, and from separated bodies of Protestants with the changes in the opposite directions. We apprehend that the results would not be disadvantageous in either of the cases supposed. As respects Presbyterianism, for instance, within the last two years we have seen the reunion of three of its ministers; one of them, Mr. Marshall, the beloved and popular incumbent of an important parochial charge in Edinburgh. It would not, we believe, be too much to say, that the applications made to our bishops for ordination by dissenting ministers are numerous, to a degree of which the public has no conception; and though our institutions are by no means framed to facilitate the transit of converts in the manner of those of the Roman communion, we conceive that certainly not a less number of priests have during the period immediately under review passed from her to us, than *vice versâ*.

34. We cannot quit this part of the subject, without fervently recording it as in our mind a matter calling for the most profound thankfulness, that the mischief done in this form has been so small. We firmly believe, that in the day when the secrets of all hearts are revealed, it will appear, that many and many an one has, in these last years, deeply pondered the subject of the bold claims of Rome on our allegiance as Christians. The nature of those claims almost forces their consideration upon theological inquirers. The clamour of Popery against the profession of catholic principles in the Church of England has riveted that necessity. In the chambers of many a heart has that matter been sifted and revolved: on the one hand, with varying force, have marshalled themselves such inducements as have been above described. Upon the other side, men have reflected that the question is not

of appearances, but of realities, not of delights, but of duties; not of private option, but of Divine authority. And that solemn and imposing imagery which wins souls to Rome, has, in the English mind, as we judge, been outshone by the splendours and overawed by the terrors of the Day of Judgment; of the strong sense of personal responsibility connected with that last account, and of the paramount obligation which it involves, conjuring us by the love of the Redeemer, not less than commanding us by the wrath of the Judge, to try and examine well the substances lying under those shows that surround our path, and to suspend upon His changeless laws alone the issues of life and death.

35. Minds thus tempted, have repelled the fascinations of Rome by the reflection, that the title of the Church to our allegiance by Divine charter, is the question that overrides the whole controversy. This question must be determined, under the grace of God, through reference to the sense of Scripture, vindicated by Catholic consent against corruptors, and through the patient investigation of history. If, by these processes, we find the criterion of Catholicity to be present in the Church of England, if her message be in itself the ancient deposit of faith, and if she can show her warrant to deliver it, the matter is at an end. She is the ambassadress of the Great King; she is the true keeper and witness of His word. From none other can we presume or pretend to receive it, without so far substituting a human gospel for a Divine one. She has the charge to feed the sheep and the lambs of Christ; and from her bosom they will draw the sustenance, with respect to which it is enough, it is all in all, for them to know, that He has appointed it for them. It remains almost superfluous to add, that, therefore, whether it be

the sweetest to the palate, or whether it be not, it is the fittest and the best, and will nourish those, that refuse it not, to the healthiest tone and the amplest stature. "We wait for thy loving kindness, O Góð," says the Psalmist; and where? it is "in the midst of thy temple."\*

36. It is not, then, where the apparent consolations and delights of the moment most abound, that they think it their duty to pitch their tents, as the chosen spot in the desert of the world. But what is consolation, and what is delight? The state of the recipient determines the answer to these questions. If we see the promise of greater joy where the finger of God points us not, either that promise is a phantom of magical illusion, or if it be true joy, it is ours; withheld from us for a time, in order that, by wanting it, we may acquire the dispositions necessary for its full appreciation; and, in due season it will be ministered abundantly to those who are better pleased to await the accomplishment of the Divine operations, than to endeavour to precipitate their predetermined issues. The same lesson which is applied to the repression of fleshly appetites, must also be brought to bear against appetite in its higher forms, and must teach those who crave for spiritual luxuries, that they are not living here for enjoyment, but for exercise; not for the prize, but for the battle: that whatsoever winged moments and glances, whatsoever crumbs and morsels, and merciful foretastes of bliss, may be imparted to the pilgrims through the wilderness, are only given to stimulate them in their work; that they are poison, in so far as they have any other effect than to quicken and invigorate its performance; and that that work necessarily is, to walk

\* Ps. xlviii. 8.

in the path which God has bounded for us on this side and on that, and to quell every rising murmur and the disposition to repine. Without resolutions such as these, there is no pretence to the name of Catholic, nor are there even the rudiments of the character whose type, majestic and indestructible, it is. And, accordingly, for the very reason that there has been so much anger and soreness, so much misapprehension, and so much persecution of late years, do we find in the fact that the sufferers remain, as we may say, unbroken and entire in the communion of the Church, cause for the profoundest thankfulness and joy.

37. At the same time, having spoken thus confidently and gratefully with respect to the security of the Church at large, as attested by the events of the last few years, from the incursions of Romanism, we must allow that there is another view of this question, in which it admits and requires the use of different language. It cannot be forgotten that the original pretensions of those, who have been connected with the Catholic movement, were extremely high upon one particular point of the aspect of that movement towards Rome, and amounted, indeed, to this—that one of its peculiar characteristics lay in the strength which it gave to Anglican as compared with Romish claims, and in its tendency actually to prevent defections in that direction. Dr. Pusey, we think, in the first instance, and after him others, contended, that no person well-instructed in the distinctive principles of the Church of England was ever known to have left her for the Church of Rome.\* While it is notorious, that of those professing the creed of naked Protestantism, she has made

\* [As applied to the history of the seventeenth century, this assertion was perhaps too broad.—W. E. G., 1878.]

(we refer to the latter part of the sixteenth century) converts and reconverts by thousands—nay, even by millions : and in the present day it is well known, that some of the most illustrious and pious men of Germany have been driven, as it were by force, into her communion, to escape from the coldness and desolation of their own. This position was a very broad and a very strong one. Does it remain entire ?

38. If on the one hand it be true, that Mr. Sibthorp and other members of the University of Oxford, who have abandoned the Church, were not adepts in the school of her Catholic teaching, that there was no one of them who had at all attracted the general regard as a father in our Israel, it is not, on the other hand, to be denied that they were professors of what are called Anglo-Catholic as opposed to Ultra-Protestant sentiments ; and, further, that their lapse (for such we must call it in deference to truth) into Romanism appears to have taken place not without some sort of relation to the Oxford movement. It cannot have escaped attention that, while ten or eleven years have elapsed since the series of the 'Tracts for the Times' began to issue from the press, for the first five or six of those years even occasional perversions in that direction seemed to have been suspended ; and experience did appear to sustain the proposition, that Catholic teaching in the Church of England, so far from being a covert machinery for the propagation of the Roman system, was the appointed and specific preservative against its aggressions.

39. But, from the time of the publication of Mr. Froude's Remains, a distinct process has been at work, which has gradually impressed a new character upon the movement that took its origin from the heart of the ancient and venerated University of Oxford. Of this process there were two principal stages. The first of

them developed an unmeasured and unmitigated aversion to the Reformation and the Reformers. The second disclosed a measured, but yet undeniable and substantial, estrangement of the heart from the actual Church of England; and a disposition not only to respect Catholicity in the Church of Rome, but to take the actual Church of Rome, in the mass, as being upon the whole the best living model of the Christian Church. Now, the defections from the established religion, which we have so much to deplore, have occurred, not at the time when we were recalled to the masculine theology of the seventeenth century, and when a firm testimony was constantly maintained on the subject of Romish corruptions; but exclusively since the tendency has been perceived to anathematise the Reformation as a whole, and to fraternise with the unreformed Western Church as a whole. This transition, therefore, in the character of the Oxford movement, seems to mark the change from a position of secure and unassailable aspect towards the Papacy to one less exempt from the risk of successful operations.

40. These considerations lead us to the threshold of a great and varied department of our subject; and we enter upon it not insensible to the moral hazards and snares with which it is beset. In the execution of our task, we must use freedom of language. It is, under the circumstances, almost the first condition of intelligibility and fitness to do good. God grant that it may be without the breach of charity, modesty, and respect; that it may be employed only in deference to the necessities of the discussion; that it may reach only so far as those necessities extend, that it may be set forth as a contribution towards the common good, in the discovery of truth, which all are bound to promote, and not as an assumption of judicial



authority in that sacred province, where all individual conceit is not alone justly offensive to man, but conveys intolerable insult to the majesty of God.

41. But the case stands thus ; we are to consider of the justice with which praise and censure have been distributed by men of the highest character, and upon objects of the most exalted dignity and pretensions. The Reformation and the Church of Rome, each of them, whatever they be in themselves, are great, in comparison with us, who assume the critic's chair, and sit in judgment upon them. The private understanding feels itself overpowered and abashed in any effort to hold the scales of justice between such competitors ; and is struck with fear lest, in the attempt to redress a disordered balance, it should commit fresh excesses, perhaps with less excuse. Still we must not, through respect of persons, hesitate to impeach their acts, when, by an undue burden of censure or award of praise, they have done injustice to the memory of the dead, or brought the living into needless peril. We shall, however, be the last to complain, if our remarks be made the objects of animadversion, as indeed they may well be, far less restrained than those on which we are reluctantly about to venture.

42. We have spoken of a decided change in the character of the Oxford movement, and the strain of its teaching, as respects the Reformation and the Church of Rome ; but we so speak, without intending to imply that all those who are connected with it, in reality or in popular opinion, have exhibited such a change. On the contrary, Mr. Perceval, Dr. Hook, Mr. Palmer, Mr. Dodsworth, and many more may be named, with respect to whom no such assertion can be made. Nay, out of the four persons, who may be considered as the authors of the Tracts, and

main guides of the movement, it may, we believe, be said, concerning three, namely, Mr. Keble, Mr. Williams, and Dr. Pusey himself, that, as they have never written with temerity, never save in sorrow, of the evils of the Church of Rome, so they have never found occasion to erase what they may have recorded in the exhibition of those evils; and never have exaggerated, to the disparagement of the blessings their own country has received from God, the excellences likewise undeniably to be found in company with them. Their pen may claim the praise asserted in those noble verses of Manzoni, that it is alike

“Vergin di servo encomio  
E di codardo opprobrio;”

and so far as they are concerned, their tone has, we believe, been one and harmonious, from first to last, in decided reprobation of abuses in the Roman Church, and in dutiful affection filially accorded to their own.

43. But this, like other schools, is apt to be estimated by its extremes; and we apprehend it must be admitted, that its extreme writers have too frequently adopted a strain of language which, in plain terms, is not loyal towards the Church of England.

We heartily yield assent to the excellent Bishop of St. David's,\* whose Charge of 1842 will, in our judgment, long remain a standing witness, of many-sided aspect, against religious persecution, in his decided and indeed almost indignant protest against the outrageous tyranny, which prohibits all free discussion of the particulars of the Reformation; and demands of the members of the Church of England an absolute unqualified acceptance of

\* Dr. Thirlwall.

whatever can be shown or surmised to have been the private opinion upon a religious tenet of some one or more of its reformers. It is almost impossible, in the present day, for any man, on whom the mark of Tractarianism has once been set by editorial infallibility, to insinuate a doubt upon any point in the character or creed of any of those engaged on the Protestant side in the great struggle of the sixteenth century; or to hold up to public view any of the misdeeds which accompanied, and of course went to mar, the work of purification; without being apprised that he is a schismatic, a heretic, and a hypocrite, at the least. He is a schismatic, because he conceives himself bound to the communion of the Catholic Church in England, and therein differing from those who conceive their adhesion to be a matter of the class of *ἀδιάφορα*, is thus guilty of introducing divisions. He is a heretic, because the awful charge of heresy, which, in the times of ancient intolerance, was thought to require something of a judicial process to establish it, is now a weapon which any man, of his own private wit, is commissioned to hurl. He is a hypocrite, because he abides in the Church of England, and protests against the neglect of her discipline, and the monstrous misconstruction of her formularies; and makes a profession opposed to the bastard sense, which, not content with its intrusion, strives to eject what he firmly holds to be legitimate.

41. On behalf of freedom, and on behalf of truth, we subscribe the protest against these preposterous impositions: most of all preposterous when it is considered, that they are commonly urged by men who censure, with a perfect disregard of their own superstitious inhibitions, the early saints and fathers of the Church, including the very friends and followers of the Apostles, and do not

even scruple to charge them with folly and inadequate knowledge of the Gospel. Nay, by men who will not at all hesitate to belie themselves by finding guilty of partial Popery these very reformers and the whole Anglican Reformation, when, in discussing the momentous question of discipline, they are met by a hundred rubrics in favour of Catholic observances, which they find it totally impossible to digest. Even were they consistent in wearing the chains they forge for others, we should address them thus: it may be well for you, who see in the Reformers the "founders of the Church of England," to apply to them that measure of regard, beyond the rules of ordinary reason, which the character of parents, properly so called, demands. But to us they are not authors or builders of the Church. They are men whose honour, be it what it may, must arise wholly from this, that they handed down, in better disclosed proportions, that which had been handed down to them. And, in the retrospect of ages, our vision does not terminate upon them, but passes upwards, never interrupted, through each generation of eighteen centuries, to the Saviour himself; claims communion and brotherhood with all, and finds in the continuity of that succession a principal assurance of the reasonableness and solidity of our Christian hopes, and the appointed channel of our blessings.

45. Against such attacks as these we plead for and vindicate the gravity, the dignity, the sacred obligation of historical inquiry; of learning, that is to say, the lessons which God has recorded in human story for our instruction, of enlarging and consolidating our judgments by the materials that experience affords. But, in the very same important interest, we must also plead against the tenour of remark, of which the first example, we believe, was set

in the Remains of the late Mr. Froude. It was set by his editors rather than himself, for common justice to his memory we think demands the assumption, that had he lived he would have corrected, or all events would not have put forth for the world's instruction, that language so rash, crude, and precipitate, so little savouring, we will not say of mercy or charity, but of reverence or discipline, in which Bishop Ridley, for example, is condemned because nothing so good of him was known as to balance the disgrace of being the associate of Cranmer! O that those who commend, and justly commend Archbishop Laud for having made good in one of their aspects the fortifications of the Church, built up amongst us, would in candour and meekness ask themselves, with that earnestness of reflection of which they have given so many laudable examples to the age, whether they have not also a heavy debt to Cranmer for other perils averted, and other mischiefs mitigated, which in his age threatened to exhaust the very vitality of the Church?

46. Again, Jewel with Mr. Froude is "an irreverent Dissenter." But without at all adopting the invectives of Jewel as they stand, or guaranteeing the whole of his doctrinal language, we should be glad to know what Dissenter, reverent or irreverent, would, or by possibility could, have taught as Jewel uniformly did, the doctrine of primitive and Catholic consent, or of the power and grace of Baptism? And if so, why is this to be overlooked by those who, whether they know it or not, are under heavy judicial responsibilities in all discussions of this sort? Is not the expression we have quoted, aimed no doubt against the passionate words of Bishop Jewel, itself also passionate? If it were blamable for him to use such language in the dust and heat of the strife of the

Reformation, is it laudable in us, after the lapse of three hundred years, and in the cool blood of historical disquisition? Is that inequitable and unkindly frame of mind, against which we protest when it is applied to the Latin Church and her members, to be reserved for, and concentrated upon, our own spiritual mother and our nearer brethren? When we read those productions, in which the Reformers and their work have recently been criticised, it really seems as if the doctrine of charity were to have no application in their case; as if the laws of Draco were to be applied to all their deeds; as if, acting under difficulties nearly or wholly without precedent in the history of the Church, they were to be expected to realise an ideal to which no class of men, under circumstances of the most unmixed advantage, could have attained; as if it were a duty to put upon all proceedings and upon all expressions not the best, but the worst construction which they can be made to bear; as if they, alone of all those engaged in the struggle, had, while intent upon other great purposes, lost for their country the Episcopate, whereas in fact they almost alone never relaxed in their efforts, and through God's mercy, their successful efforts to preserve it.

47. We know, indeed, that the answer made to this reasoning might be, that the Reformers had laboured to destroy or mutilate Catholic institutions, and that, therefore, they not only have no title to respect, but are the just objects of Christian indignation. The general merits of so extreme a sentiment we will not discuss with the few, the very few, that hold it. But even these we would ask to consider, whether, in their own judgment, our Reformers abolished or curtailed any Catholic institution so precious or so vital, as that which they restored to its

integrity when they re-established for the laity the use of the cup in the blessed Eucharist. Nay, had the Reformers done no other service to Christendom than that of stemming the monstrous, the incredible, yet the admitted corruption of the indulgences; had they effected no other good than that of enabling the better men in the Latin Church to effect the disciplinary reforms of Trent, and the great amendment and purification of her institutions which were consequent upon them, even for these, which are but a small and secondary portion of their merits, at least as respects this country, they would, we think, be entitled to claim far more of consideration and of sympathy, than they actually received in the quarters to which we refer.

48. With the protest then against the tyranny of those who forbid us to exercise free historical inquiry upon the Reformation and its authors, we combine a remonstrance against the injustice of degrading that great inquiry by regarding the subject through a medium tinged by petulance or morbid prepossessions. And against the further injustice, we must add, of forgetting that as to the greatest matters in debate, as to primitive authority, as to the grace of sacraments, as to the discipline of the Church, the Reformers themselves were indeed immeasurably distant from those who now, while defacing their work, and disobeying their injunctions, would compensate for this licentiousness by exacting an inordinate and superstitious reverence for their names, and for private surmises or opinions which they did not think fit to embody in the ecclesiastical institutions of the country.

49. If, then, we are reproached with vindicating to the present generation a freedom in theory alone, which is to be nullified by restraints upon actual investigation; or if

we be charged with giving countenance to the hatred and contempt towards the Reformers and their work, of which the seeds at least are visible in some contemporary writings, our reply is, that the freedom we claim is meant to be a real freedom, and the restraints we would impose upon it are only the inward self-chosen restraints of a filial and reverential spirit. Most of the institutions of the Church in their detail, whatever their date, are the human applications of divinely appointed rules, and are open to examination. But the Church of England has a right to expect from her children that they should approach that examination in a frank and loyal, and likewise in a somewhat subdued and chastened spirit.

50. In our view, the extreme severity with which the divines of the sixteenth century have been judged, and the cold and loveless temper, with which the results of their labours are regarded by a portion of the Oxford writers, and of their followers, is the saddest and most disheartening feature, attending the important theological revival of the last ten years. It is to this severity and this coldness, we conceive, that the reaction against Tractarianism, partial as it is, has been ascribable. Had the single form of excess observed in its abettors, been that of a too great leniency and sympathy towards the Roman Church,—had the yearnings of their love, while they too highly coloured her positive excellences, and shrunk from the faithful exposure of the enormities within her pale, likewise pervaded their views of actual excellences and actual defects in that Church, which had been their own mother in the Gospel,—then, we feel persuaded, that no bigotry, however obstinate or malignant, could ever have raised that great amount of excitement, mistrust, and alarm, which must be admitted to prevail at the present



moment, among sober-minded men, with respect to the possible range, which the movement may hereafter take. No doubt there are many among us, with whom charity or leniency towards Rome, is equivalent to treason against the Church of England; with whom to admit the Roman Communion to have the essence of a Christian Church, is to deny the faith; with whom nothing can redeem the offence of supposing it possible, that three-fourths or more of all the Christians now alive (for such reasoners as these commonly include the Eastern Church in the same condemnation), may be within the covenant of God's mercies, and not beyond it. But we cannot believe, that this is at all a general tone of sentiment among the intelligent members of the Church of England. On the contrary we feel persuaded that although, considering the attitude of Rome towards all other Churches, they must always and necessarily entertain a jealousy of any disposition unduly to eulogise her, or to extenuate her offences; yet this species of excess, had it stood alone, would have been gently and lightly touched by all those, whose rebukes, from their dignity and justice, carry with them permanent effect.

51. It must indeed be a subject of the most anxious consideration, for all such persons as are desirous to think and act rationally, modestly, and justly with respect to the theological claims and collisions now so constantly in view, how to adjust the sentiments with which they are to regard the Church of Rome. We are in honour bound to do justice to her antiquity, to the benefits which we ourselves received at her hands, to the firmness with which she has ever contended in behalf of the Catholic Creeds, to the profound and comprehensive wisdom that pervade many of her institutions, to the high and noble

degrees of saintly perfection that have been attained within her pale. And yet we are not so to speak, as to incur the risk of aiding to mislead others by these glowing recitals; as it is to be feared we do aid, unless we join with them the most marked and definite notice of the frightful evils which deform her system. These, it is to be observed, are not merely evils within her pale, but evils which she seems to take to her bosom and to cherish there: which have established themselves about the very seat and organs of life, and which the better elements of her nature have not energy sufficient to eject. The practical withholding or stinting of the Divine Word; the fearful tampering with the attributes of God, by extravagant regard to creatures; the grossness of her purgatorial system, as represented in the actually prevailing tone of her authorised and ordinary pastoral teaching and discipline; the tyranny of her impositions of tenets, not revealed, upon the consciences of men; and her schismatical usurpations of the rights and claims of other Churches; all these are topics, concerning which to speak slightly, is by implication to betray the truth of God, and to expose the souls of our brethren to terrific peril.

52. For our parts, we believe that the duty of those, whose place or function calls upon them to guide the minds of others, respecting the Roman Church, is not adequately met by their dwelling in such manner, on either her good or evil characteristics, as to throw the other class into the shade. We would have them shrink neither from explaining what valuable lessons we are to learn, nor what impressions and awful warnings we are to receive, from her practice. We are well aware, that no words are adequate to supply beforehand, a right rule of conduct in this difficult subject-matter; and that he who

trusts to the dead form of such a rule will probably find that his censure and his praise alike are egotistic and offensive, void of the seriousness and the modesty of truth and nature; and that the whole life of his feelings is lost in a barren eclecticism. A solemn and overpowering sense of duty, and that mixture of profound humility with manly resolution, which such a sense best engenders and sustains; these are, we believe, the instruments, by which the Divine Grace develops in the conduct of men, even amidst the most difficult passages of life, the principles of unchangeable justice.

53. And that which we seek to recommend, is not a cold and timid mixture of commendation and its opposite. It is, to approach and to handle the subject with a well-balanced comprehension of the diversity of its bearings, with a hand of equal firmness to grasp in it what is pleasing and what is painful; in acknowledging what is good, to do it with cheerfulness and joy, under the free impulses of Christian love; but, in noting defects and dangers, to rein in the bad, proud, angry passions of our nature; to find pain, not pleasure, in the task, yet not to shrink from that pain. It is only by feeling censure to be painful, that he who delivers it, can neutralise its inward perils to himself; it is only by persevering with his work in despite of that pain, that he can acquit his obligations to truth, which demands of us that we shall prize her integrity beyond all things else; and that he can with a safe conscience proceed to note those excellences, which might themselves have become to others very snares and pitfalls, had he not faithfully declared the fatal companionship in which they stand.

54. It certainly indicates a state of great moral disorder in the Christian world, when individuals without authority

bring charges against the most extended of Christian Churches, that she tampers with the attributes of God by her toleration and apparent encouragement of idolatrous regard to creatures. If the accusation is false, no words can express its guilt: if it be true, yet still it seems too great a weight for the private person to carry, a weapon not intended for his arm to wield. Sad is the necessity which requires such things to be said at all; sadder yet, if in such modes. He that utters them should at least join with the act of utterance every sobering and chastening reflection, that may prevent it from becoming an act of self-glorification.

55. For these reasons we will freely own that, when in sermons and elsewhere we hear in constant repetition the most eulogistic epithets applied, without qualification, to the Anglican Church in her actual system, it is sometimes not without a faintness and sickness of heart, lest our claiming too much for ourselves be the bar to our obtaining more, and even the prelude to the deterioration or the loss of what we have. We are pure, we are scriptural, we are apostolic, we are catholic, we are reformed, we are primitive, we are holy! And far be it from us to withhold any one of these epithets from the Church, such as in her mind and soul, such as in her authorised documents and permanent institutions, she is and aims to be. But we do not wholly concede to Rome the claim that she is to be judged, in cases where she is accused of corruption, by the Tridentine decrees alone: we contend that the acts of her executive and local authorities, in their proper degrees, and the habitual tone and mode of teaching, of thinking, and of acting within her borders, must be taken into the account; that the first viewed alone may indeed show what she wishes to be taken for, but it

is in conjunction with the rest that it shows and constitutes what she is. And no one, we think, can dispute the justice of the exception thus taken.

56. Almost as difficult would it be to deny, that it very seriously affects the estimate to be formed by a reflective mind, of the actual Church of Rome. Let those who would question it, read first the Ninetieth Tract, by Mr. Newman, and then the yet unanswered series of letters addressed by Mr. Palmer to Dr. Wiseman, upon the great points of doctrine in which the authorised teaching of Rome includes a mass of the most objectionable matter, of which but a faint shadow is to be found in the naked letter of the decrees of Trent. We do not think, for instance, that any controversialist, however keen, can find in the Tridentine article concerning the honour due to saints, the groundwork of a charge of idolatry. And yet those who regard the practical system of the Church of Rome, the language of her preachers, her divines, her schools, and even her Popes, may be but too well warranted in contending that at least she cherishes idolatry in her bosom. Words and acts, which are rank with the savour of it, are spoken and done within her precincts; done without any remonstrance or protest, beyond naked and unapplied, and therefore nearly valueless, generalities; done without the adverse notice, nay, to a great extent, with the positive encouragement and example of authority, and even of that authority which at the present day asserts its own infallibility, we apprehend, with much less of active resistance than was offered to it four hundred years ago, namely the Papal chair itself.

57. But, to teach ourselves an useful and just lesson of humility, we must acknowledge that the principle, which we vindicate against the Romish writers, has its recoil

upon the Church of England; and a recoil of no mean power, though less forcible by far than its first intention. Those who argue for the Catholicity of the Church of England in all points which relate to her constitution and rites, to her view of the Episcopate and the sacraments, found themselves upon the tone of her authorised formularies in order to make good their case. But, undoubtedly, there are those within her, and even within the order of her priesthood, who do not scruple to assert in some cases so much as that the Episcopate, the ministry, and the visible framework of the Church, are human institutions; and even in the teeth of the Catechism appointed to be taught to all our young persons, that the new birth unto righteousness is not the proper inward part of the sacrament of Baptism, and that the Body and Blood of Christ are not really received by the faithful in the holy Eucharist.

58. Not only, for example, does the popular commentary of Mr. Scott\* upon the Holy Scriptures, declare the laver of baptism to be the sign of regeneration, and nothing more; but even within the last twelve months has a clergyman named Dr. Holloway, published a tract, by way of reply to the Bishop of London, in which, and we must say with the greatest frankness, he first ascribes to the Scripture his own doctrine of baptism, which is that of Mr. Scott; he then observes that the formularies of the Church ought to be construed in a sense conformable to the Divine Word rather than in any opposite signification; and having, by means of the misapplication of this just maxim, done wonders in torturing the Article on Baptism and other passages to his will, he finally seems

\* On Titus iii. 5.

to break down at the clause of the Nicene Creed, "One baptism for the remission of sins," and abashed by his own honesty from the effort to tamper with this pointed testimony, he proceeds quietly to condemn, as at variance with Scripture, the proposition as it stands in the Creed! We do not here stop to observe that it has almost a verbal correspondence with the very words of Ananias in the twenty-second chapter of the Acts,\* as recited by Saint Paul, "Arise, and be baptised, and wash away thy sins, calling on the name of the Lord." We assume in this place, that the doctrine of regeneration in baptism is an undoubted article of Catholic belief. And, though we do not imagine that Dr. Holloway himself quite knows his own meaning—though we lean to the supposition that he must hold, with however indistinct a consciousness, the truth of a spiritual power and blessing in baptism—we admit it to be a fearful thing, that in a Catholic Church men can be found thus to question a Catholic tenet, a part of the one indivisible, indestructible, immortal faith; and that if such men are found, they are permitted to take such proceedings without a prompt, authoritative, and effectual vindication of the Divine truth, and of the order of the Church against them.

59. That Dr. Holloway is open to censures in an ecclesiastical court, we cannot for a moment doubt. That those censures are not inflicted, we do not presume to make a matter of blame to any one. Government, ecclesiastical as well as civil, in all churches and in all

\* Acts xxii. 16. We also find in the twenty-second page of Mr. Sutcliffe's pamphlet the most perilous and fearful statement, "that the regeneration of an unconscious infant is a physical impossibility." We presume he does not perceive the bearing of his proposition against the Catholic doctrine of original sin.

countries, must, we believe, at the present day, tolerate much that it would willingly repress, and must not for the correction of an offending part risk the safety of the whole. But then the case comes to this, that we have priests who deny the grace of baptism, and who are not called to account, because the nerve and vigour of our discipline is so miserably relaxed, that it cannot reach to the vindication of truth, even against so gross a wrong. Or, worse still, that the tone of sentiment in portions of the Church is so corrupted and enfeebled, or instruction in the signification of terms so faulty, that popular will would not endure the reassertion of sound doctrine, and would insist that error, not upon a matter of mere individual opinion, but upon a matter *circa fidem* at the least, should go unscathed. And, as we apprehend there is no question, that to impeach any article of the Nicene Creed is, in the sense of the Catholic (as of the English) Church, an heretical proceeding, we are not prepared to deny that, in this particular, what tends to heresy is endured within the Church of England, even as we have alleged that what tends to idolatry is endured within the Church of Rome.

60. There is certainly the difference, we think the broad and palpable difference, that, in the former case, the evil if endured is not cherished, is not fostered, is not so handled and dealt with as to convey to men's minds the notion that, in the view of the governors of our Church, it is no evil at all: that the formularies of the Church are not so constructed as to facilitate and make way for such lamentable doctrine, but are distinct in their testimony against it; and that the sentence of her recognised divines is clear and unfailing, from first to last, in the same sense. Upon the parallelised case, the charge of compromising the honour of God and of tampering with



idolatry, in the Roman Church, we believe that, point by point, the reverse may be too clearly proved. But we are not now arguing against Roman controversialists; we are, as among our own brethren, inquiring whether, in manfully denouncing the evils that brood within that communion, we ought not to chasten our own spirits, by recollecting that we, too, as a body are not wholly unimpeachable in the custody of the defences of the Catholic faith, because in the body there is an element of scepticism affecting certain points of established belief, and the residue of that body has not in its general organisation strength and health enough either to cure or to eject it. So that, without desisting from the vindication of specific truth against specific error; without ceasing to be thankful for the great blessings which God has bestowed upon us, not only in the Church, but also, though of course in a secondary sense, by the reformation of the Church; we may begin to perceive, that the apparent permission of erroneous teaching within a religious body does not of necessity implicate in all cases, and to the full extent, the body itself in the guilt of such teaching; that the vitality at the centre may repel the disease of the extremities, and, if unable to put an end to its devastations, may, notwithstanding, effectually confine their range.

61. For our own parts, we do not scruple to avow that we hold in the largest sense which would not involve the actual mutilation of Catholic Truth, the duty of communion between Churches of Christ. It is not because a Church is low in spiritual life, it is not because she is overrun with administrative abuses, it is not because even doctrinal corruptions abound within her borders, while her authorities are neutral or favourable to the evil, nay, while she herself has, by her authentic acts, erred "not

only in living and manner of ceremonies, but also in matters of faith ;”\* it is not for any or all these reasons, we conceive, that communion with her is to be renounced, if she still continue to be truly a Church of Christ. If her positive errors in matters of belief have not affected the foundation ; if her toleration of heresy may be explained upon any grounds of human weakness, or even sin, short of the awful guilt of apostasy, however needing admonition and correction, she still remains a messenger of Christ. She still has the charge of a portion of His fold ; and none can have the right, as it appears to us, upon these grounds, however intrinsically serious, to erect a wall of separation between brethren whom He has commanded to be as one. It is here much as in the case of natural relationship. It is not because a brother does many things which we may think wrong, or which may in themselves deserve the heaviest punishment, that he is to be disowned and renounced : the obligation to treat him as a brother uninterruptedly subsists, it is limited only by our power to render kindly offices, and his capacity to receive them ; and the active exercise of its functions can never be suspended, except only when and in so far as he refuses to accept them, or is incapable of profiting by them.

62. If, then, we are asked in what way we can justify the suspension of communion between the Eastern Church and the Church of England, we must reply we are not aware that it can be justified at all. We could not vindicate the refusal of communion to the Greek or Russian Christians because, according to the discipline of their Church, they seek the prayers of saints by direct invoca-

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\* Art. XIX.

tion; however heartily we may thank God that the Church of England has been delivered from a practice so perilous, so void of the warranty of Scripture, and of the authority of apostolic or primitive precedent. We believe that the prelates of the Church of England seek occasions to express and testify their desire for a more distinct recognition of spiritual relationship between the Eastern Churches and their own. In this sense, we apprehend, the primate entrusted Bishop Alexander, in 1841, with his commendatory letter to the Eastern bishops: in this sense Dr. Routh, the President of Magdalen College at Oxford, recently, in a less exalted sphere, performed a similar office on behalf of Mr. Palmer, a Fellow of his college in deacon's orders, when about to travel in the East.

63. And it follows, from what has been said, that we are among those who deeply lament the interruption of communion with other portions of the Christian world; with those Protestant communities which, by losing the essential organisation of the visible Church, have broken the channels in which the appointed acts of ecclesiastical communion flow; with the Church of Rome, which, though retaining the framework of a Church, and the essential spirit that belongs to it, yet of her own act makes that communion impossible. But God forbid that the responsibility of that reciprocal estrangement in which we stand, or that any portion of it, should rest with us! God forbid that, by our asperity and rancour, by our narrowness and exclusiveness, by our obtruding matters of opinion into the region sacred to matters of faith, by our setting up standards of orthodoxy more extended or more rigid than those which God has commanded to be used as such, the auspicious day should be averted or postponed, in which the children of all Christian Churches

should kneel around a common altar, and receiving from the same hands the same pledges of salvation, should again be one, even as they of old were one, and as He, with whom in all things they seek to be identified, would have them be one for ever.

64. If we are asked the meaning of the words, that the Church of Rome makes communion with her impossible, we explain them as follows. Her whole scheme of operations is founded upon her exclusive pretensions, and upon the assertion of the illegitimacy of all Churches not under her jurisdiction. Everywhere therefore, in their territories, she appears as an intruder and an aggressor; and the admission of her supreme controul is made by her the first condition of intercourse. In fact, it is not a question of communion, but of subjection; and for any other Church to acknowledge the present claims of Rome, is to disown herself, her own acts, her own children, dead as well as living, her own relation to her Lord. Nor is this any mere point of earthly honour, any contest of simple dignity or precedence; in lowering to her the *fusces*, we should admit the practical sway of her dictatorship. We should be called on to make those additions to the Catholic and Apostolic Creed, which she has been bold enough, under Pope Pius IV., to attach to it. Or, if she, from charity or policy, would excuse our immediate adoption of them, the exemption should be one *durante beneplacito* alone, and revocable at her will. Nor do we see what permanent guarantee for any, even the smallest, degree of spiritual liberty she could furnish, so long as the preposterous claim of infallibility continues to be made, as we have seen it recently made in official documents, by the incumbent of the Papal See.

65. We should be willing to brave much danger and

much conflict, for the precious hope of restoring communion without treason to truth. That we are scandalised, and justly scandalised, at much erroneous teaching and abusive practice in the Church of Rome, we should hold to be no sufficient reason against refusing to her the regular relations of Christian fellowship. On the contrary, we should say, Christians may with more reasonableness and piety hope to impart and receive amendments from one another, when they have placed themselves in the path of God's plain commands by the extinction of a schism between them, than while they remain in separate positions. But as to quenching the fire which our martyrs kindled; as to readmitting the gross and enormous mischiefs, which were by them ejected at so great a cost; as to assimilating the teaching and practice of the Church of England, as a whole, to that of the present Church of Rome as a whole, we should enter a protest against such a course, the most vivid and indignant, were it not that by dwelling on such a contingency, we might seem to imply, that it is one within the bounds of rational probability. We are firmly convinced, that it is not one whit less visionary, less mad, than it is mischievous. It may be true, that there is at this moment a Romanising school in the Church of England. These are men, who are not content with respecting or revering Catholicity in the Church of Rome, but who take her, such as she is, in the mass, for a standard of imitation, and would have the Church of England made like her, at least so far as might be necessary in order to re-establish communion with her. They are unable to fix their affections upon the Church of England, such as she is in the mass; but, while sincerely respecting and revering the Catholicity or vestiges of Catholicity that

they find in her, nevertheless recoil from the anti-Romish elements with which that Catholicity is combined, and pay to her, as a whole, a loveless and constrained, even if a punctual and conscientious allegiance.

66. It may be, that the teaching of this school, as it has perhaps already helped to produce, so will hereafter from time to time aid in producing, defections from the Church of England of erratic and ill-balanced minds; of minds wanting that searching truth of perception, and vigour of determination which all times, but times of confusion most especially, require. But as to bringing the millions of this Church and nation into harmony with actual Rome, in our view, the perversion of Mr. Sibthorp and a few more, does not abridge even one inch of the all but immeasurable distance at which, if anywhere within the bounds of possibility, such an event is set. We will not allow that there is the minutest symptom, the faintest or most shadowy indication, of any impression of such a kind upon the English mind. And we do not scruple to add, that that *extrême droite* of the Oxford school, which is apparently prepared to make a surrender, even these we presume not an absolute surrender, to Rome, not only is small in its numbers, and in its relative influence, but owes that influence in no degree to its antipathy to the Reformation, or to its prejudices in favour of the papal system; and would greatly increase its power over the sound and general Catholic feeling of the country, if it were to rid itself of both the one and the other. We believe that the limited class to which we now refer, is composed of men who are not only admired for their abilities, but respected, revered, and beloved, for the meekness with which they bear insult and injury, for their abundance in prayer, in all holy observances, and in all good works;

for their lowly, mortified, self-denying lives; for the lofty flights of their devotion, for their severe conscientiousness in all things; for everything except the two characteristics which we have named, their strange injustice to the aggregate character of the Reformation, and their not less strange blindness in estimating the effects of her extraordinary corruptions upon the aggregate character of the Church of Rome.

67. We apprehend that Rome herself does all in her power to undeceive this portion of our brethren. As the teachers and writers of the Church of England generally become more careful to observe the dictates of justice and charity in their acts and words concerning her; as a part of them have grown even extravagant in their commendations, doubtful, hesitating, or altogether silent in their censure; the activity of her meddling missions is increased, and every nerve is strained to gain here and there a convert. The effect of the operations is indeed so small, that to make a sensible impression upon English Protestantism by means of it, would require a time longer than that in which, as some philosophers conceive, certain minute deviations in the movements of the planetary system will have so far accumulated, as in the course of nature to destroy its equilibrium, and thereby entail its destruction. But however infinitesimal the results, the *animus* of the proceeding cannot be mistaken, and it is this—deadly hostility on the part of Rome to all that is not herself; hostility towards the Church of England more active and unceasing, when her Catholic character is clearly and pointedly developed, than when it was partially obscured by the prevalence of secular and conventional notions, or of those which are the birth of unmixed or of sectarian Protestantism.

68. If the Romish writers of this country really anticipate, according to the professions in which they frequently indulge, that the national Church will be brought back to them by the efforts of the Oxford writers within her pale, why do they do everything in their power to render the position of those writers difficult and intolerable? If they look to reunion of the whole body, why do they use their utmost, and not always the most scrupulous exertions, to draw out of that body those whom they profess to consider most likely to operate upon its character in a sense favourable to their designs, and to place them where their influence upon it is necessarily at an end? Nay rather, where it is converted into a force of absolute, of most powerful repulsion? If they desire to see our worship made more like to theirs, do they know so little of Englishmen as to dream that that purpose is most likely to be promoted, and jealousy most likely to be allayed, by their setting up the rival, the schismatic altar, in every spot where funds can be found to lay one stone upon another, and by their giving out that, in consequence of the increase of Puseyism, their separate and hostile congregations are continually multiplied and enlarged? There are two modes of proceeding in such matters, each adapted to its own view and object, but reciprocally at utter variance. The one is by proselytism; the other is by tenders of friendly approximation. The last contemplates the coalition of two bodies; the first seeks for the exhaustion and thereby the destruction of one of them. Resort to the latter implies a belief that there exist the essential elements and conditions of union, and that they are in process of hopeful development: increased activity in the former betrays the consciousness that amalgamation is becoming not more easy, but more



difficult, or rather wholly beyond the range of hope. It is in this attitude that Rome now comes among us. She plants her emissaries here, nearly as she would plant them in a Pagan country. She seeks to attract, almost to kidnap, our schoolboys, our women, and whomsoever else she can, even as if she were the ancient Church, rescuing intended victims, to the utmost of her power, from the pollutions of the Pagan mythology.

69. A few there may be (we believe Mr. Ambrose Phillips may be named as one of them), that endeavour to turn the course of active effort towards pacification between the Churches, and away from the pursuit of that partisan warfare, which does so much more to embitter and estrange the mass than to enlist individuals. But we must look to the rule rather than the exception; and it appears to us to be clearly such as we have described. The alarms, as we believe, much more than the hopes of those Roman Catholics, who are less Catholic than Roman, were excited by the reaction in favour of that powerful theology, which in the seventeenth century had utterly baffled the efforts of the Papacy for the recovery of its dominion in this island. Their hopes may in turn have been raised more than their alarms by the more recent manifestations of Romanising tendencies among a very few. But whatever the motive, of the result we cannot doubt. As Mahomet offered the Koran or the sword, so Rome has written on her banners in this battlefield, the alternatives only of internecine war or absolute surrender. And they, whose inmost hearts shudder at the miseries of religious conflicts—they who would rather give their hands to be burned than dip their pens in polemic fire—they who, like Falkland, would fain amidst the din of battle invoke only and incessantly the sacred

name of peace—they must, we conceive, brace themselves to a sterner mood. Not in disobedience to love, but rather in fulfilment of its commands, they must hold that great plainness and adequate freedom of speech is to be used, and that abundant patience, energy, and learning should be applied, not less to pointing out, for the admonition of the light-minded and unwary, the doctrinal and ecclesiastical corruptions of the Church of Rome, and the gross schism of which, in this land, she is guilty against the chairs of the successors of the Apostles, than to restraining the wild invectives of those who write against her in passion or in pride, and to the repudiation in her favour of charges that are not warranted by truth and justice.

70. It may then, we conceive, now be said, that there are two very distinct characters in that Catholic movement, which has stirred from its foundations the religious mind of this country; the one older and infinitely more general and enlarged, the other recent and limited, though undoubtedly of abundant energy within its sphere.

The spirit of the first was, as we conceive, to catholicise the members of the Church of England, but without “unprotestantising” them. It was, in its leading design, to pursue the ideal excellence of the Catholic system, of the Word of God developed in Christian institutions, as it is gathered from the best and purest ages, churches, and men. It was to seek the realisation of this excellence within the Church of England, and to seek it by the sedulous and humble employment of all the means of grace which she affords; by the endeavour to enter into her spirit and take the full measure of its capabilities, in the hope and confidence that they would be found fully

adequate to our needs, and that in the order of divine wisdom her holy discipline would be revived, and her manifold ministries of love to the souls of men enlarged; and that she would surely, if her children were but faithful to their high vocation, not fail to revive and represent, even in these latter times, the early and unsullied glories of the Bride of Christ. And this yearning to restore the decay, and to temper the waywardness of the religious life of our age and country, to clothe it in the forms which are most favourable, because divinely ordained for the purpose, to its elevation and expansion, to its power and permanence, was no traitorous or disloyal thought towards that spiritual home around which are twined all our dearest associations.

71. It was a conviction, growing out of love, that we had too much and sadly fallen beneath the spirit of her laws, that the hurts of God's people were but too slightly healed, that the harvest more and more outgrew the fewness and feebleness of the labourers; that the beleaguering powers of Satan and the world waxed bolder and bolder in their tents around the walls of the city of God; that some spiritual enginery, other than that which the degenerate state of popular temper and opinion supplied, must be brought into the field, or the garden would become a wilderness, and the fenced city as an heap. At the worst, a pardonable dream, surely they at least will say, who have scanned the necessities and dangers of the land, who have taken the length and breadth of its poverty, its misery, its unbelief, and of the incapacity of separatism, of the existing parochial organisation, and even of Church extension, as it is now understood, to cope with them; and whose hearts have throbbed with the threefold impulse of the Christian, the patriot, and

the man, to apply some remedy to the gigantic evils that threaten to devour the noblest people upon earth.

72. Those indeed may well treat it as a vision, who consider this conception inadequate to its purposes: who doubt the possibility of reproducing, in a reformed Church, and at the present era, that energy of self-denial, that high-wrought temper of courage and zeal, that effusion and redundancy of love, which, once so common, now would be regarded as well-nigh miraculous; or who, unhappily for themselves, have but feeble sympathies with the undivided Christendom of the martyrs and the fathers, and who are confined within the straitened limits of modes of thought and feeling, derived exclusively from one particular period, and one desperate emergency. But it is of this development, not of its exaggerations or its counterfeits, that we speak; so speaking, we submit, that it affords the best of all perceivable prospects of neutralising the dangers, and of satisfying the wants of the age; that it implies no abandonment of our national traditions, no disloyalty or half-allegiance to the Church our mother; that no other real hope exists of any revival of that discipline, the right use whereof the Reformers were much inclined even specifically to place among the notes of the Church of God; that it is no sectarian or party movement, but a movement of the Church, as well as a movement in the Church. It is the audible response of the Church to the call of her own glorious and expanding destiny, to unfold, amidst much sin, much weakness, much degeneracy, the truest likeness of her Lord, and to feed and cherish, on behalf of Christendom at large, the best hope of her ultimate restoration to unity and repose.

73. And we need not scruple to refer to the testimony,

in this case beyond all suspicion, of one of the severest judges, one of the acutest and most searching perceivers, among the men of this generation. Mr. Carlyle will not be suspected of any undue favour towards the attempt to resuscitate, in the England of the nineteenth century, the stern self-chastening discipline, whereby the Church reached the ripeness of her strength; but even he\* has at length found in this "Puseyism," that it too is an effort, perhaps a weak and even morbid, but yet an honest and true effort, of our afflicted humanity, to find relief from its diseases, growing sorer amidst increasing wealth from day to day, in the restoration of more open, more comprehensive, more practicable and effective relations between the bewildered flock and the Eternal Shepherd. Governments and philosophies of morals or of trade have their remedies for the ills of life and of society. Be our part and lot with those, who rivet their faith upon that one scheme of human amelioration, which is built upon the foundation of the apostles and prophets, Jesus Christ himself being the chief corner stone. And in that house of many mansions, whereunto we all hope to reach, space, as we trust, will be found for those whose hearts have not fainted in the day of adversity, but who steadily adhere to those means and promises of good, that are alone, and alike, stamped with the seal of God's revelation, and of man's experience.

74. That effort for spiritual revival, of which we have spoken, aims at assimilation, not to Rome, but to something quite distinct, something higher and better than Rome; to that original of which Rome is a mutilated copy, that standard which she seems with us to acknow-

ledge, but beneath which we both, though in differing degrees and modes, have sunk. May we not redeem our own shortcomings without adopting hers? The end proposed, is that end which this Church acknowledges; the means employed are, walking in the path of her ordinances, and cherishing the spirit that pervades them. In pursuing such an end, by such means, we can only approximate to Rome where she approximates, or shall approximate, to truth. We must remove farther and farther from her, where she departs from it. And if it be a duty to desire and hope for such removal, with surely at least equal earnestness should we labour, yearn, and pray for such approximation.

75. Of the Catholic sentiment thus described, we believe that it is so congenial to the predominating ingredients in the constitution of the Church, and likewise so truly an evolution from within, from the very seat of her life, and not an importation from without, that to contemplate its ejection or exhaustion from her system is in no degree less visionary, than the opposite speculation of an approaching reconquest of the Anglican Church to the Papal domination. It never could be effected, except by such a second reformation of the institutions, and of the formularies of the Church, as would wholly alter their character, and destroy their identity; such a process as we do not believe that, even in the present relaxed state of her discipline, five men among her clergy could be found to propose or to support. Perhaps the nameless author who has recently vented his chaff upon the public under the name of 'Liturgical Adjustment,' might find himself absolutely solitary in his noxious, but utterly impracticable, propositions.

76. But what course will be pursued, what course

ought to be pursued, towards those propagators of Catholic tenets and usages, who do not scruple to denounce Protestantism as a principle of unmixed evil: in whom the attraction of the Church's essential Catholicity is sufficient, but only just sufficient, to overcome the repulsive force of the Protestant elements admitted into her institutions; and who do not dissemble, that in their view, Rome, if not a true normal pattern of Christianity, is yet the best existing standard, and one to which we ought to seek to conform? Rome, who is always at our gates as a foe, though in her legitimate sphere she be also an elder sister. With this foe they parley, and in the hearing of the people on the wall. At the same time they relentlessly pursue, with rebuke and invective, the Protestant name.

77. Mr. Newman has recently retracted, through the medium of a public journal, a collection of certainly very vehement and fierce expressions, in which he had employed his great powers of thought and language to characterise the evils of Romanism. We can find no fault with his Christian humility in correcting what he believes to be in excess, and contrary to charity. But we could have desired that he had more exactly defined what he proposes to substitute for the protestations thus withdrawn. We could have wished that there had been, if not from him, at least from those writers in the *British Critic* who are believed in the main to accord with, though somewhat to overpass, him, some similar retraction of their many hard speeches against men and things, which England in her inmost heart reveres; against that "Protestantism," which, in the language of those by whom they are chiefly read, in the common phrase and thought of millions of their countrymen, is no symbol of a bare

cold negation, or of a licence for infidelity, but is the usual exponent of a substantive, undoubting, Christian, Catholic belief. We could have desired a few cheering words of cordial love towards the Church of England; still *their* Church, to show that their hearts are not wholly alienated and remote from her, even while they set the most pious examples of ministry in her sanctuary; and to remove that deadly chill with which their ordinary writings, in the remarkable periodical we have named, freeze the very life's blood of many that repair to them to be taught how they may unite loyal love to their own immediate mother, with a true acknowledgment of brotherhood, even to those who assault and wrong her; how they may so cherish the large overreaching Catholic sentiment, as, by its reaction, not to enfeeble, but to invigorate, their local and proximate attachments.

78. We take comfort however in reflecting, not only that the great body of those who hold Catholicity to be the first element in the Church of England, and Protestantism the second in due subordination to it, are wholly untouched by these semi-Romanising tendencies. We find a further consolation in the fact that Mr. Newman, Mr. Oakeley, and such persons around them as are known to the world, are men in whom, if in any, the intemperance of particular propensions, or the bias of the judgment, is most likely, under God, to be corrected and counterbalanced by the soundest ethical habits, and by the great Christian specifics of earnestness, humility, and prayer. To these resources we add the confidence, that their position in the Church of England is securely stayed upon the great Catholic principle of allegiance to her as the ordinance of God for the government of their souls; that they reject with abhorrence the temptation to



apostatise ; and that, in their case, the discharge of the obligation of obedience will not be less but rather more resolute, because it entails another duty of crossing and mortifying their own tastes, and in some degree, perhaps, their own affections. If their frame of mind and opinion, taken together with their circumstances, thus constrain them by practical tests to concentrate themselves with few extrinsic supports upon the single and simple will of God, this at least cannot be denied, that they are pupils in a school of perfection.

79. Although the sentiment may seem strange and incongruous, in a publication to which the same remark is applicable, we cannot help expressing the conviction, that great mischief has arisen and may arise from the habitual practice of anonymous authorship, upon these most delicate and dangerous, as well as most solemn and sacred subjects. Let us speak freely on this matter. As a general rule it may be said, that no man writing upon controverted questions without the constant sense of responsibility which publicity entails, will write with the same degree of caution, the same degree of considerate forethought, the same degree of tenderness for the weak, and of wise and comprehensive charity, to which he would attain if he had that aid. An increased severity of judgment, a higher strain of invective, a more copious use of rhetorical colouring, a more artful and constant resort to dialectic subtleties, a greater recklessness of consequences, and a blunted instinct for pure truth, commonly distinguish anonymous authorship upon matters deeply moving the nature of man. The anonymous writer conducts a process, that ought to be judicial, in the dark ; in the dark he condemns, he lashes, and he stabs : unseen himself, he sees ; and he acts without the

salutary check which the consciousness of being seen imposes.\*

80. In this great controversy it is remarkable that on nearly every occasion (for we are bound to except Mr. Newman's work on Justification) where anything like general scandal has been given, it has been by publications without a name. The editors of Mr. Froude's Remains were nameless: and every man knows how much of the bitterness of the contest dates from their appearance. Had Mr. Williams written his 'Tracts on Reserve' in his own name, and not under the shelter of a quasi-corporation indistinctly known to the world, we venture to believe, that, together with their unhappy title, he would have effectually avoided whatever else has tended to produce such injurious misapprehensions of his meaning. Again; the Ninetieth Tract was nameless; and it convulsed England. Doctor Pusey, in a work with his own signature, retraversed nearly the same ground; but so different was the general *tone*, as a painter would say, of the performance, that we never heard that he was made a sharer in any of the censures which issued even from ecclesiastical authorities, against the argument of that Tract. And ever since the Tracts have ceased, it has not been by the known publications of the Oxford writers, but by those which a portion of them have sent into the world in the character of reviewers, that offence has been propagated and renewed. Our motive for offering these observations has been a conscientious conviction

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\* [This article, though it was technically anonymous, was avowed by the writer at the time. The lengthened experience of his life has confirmed him in the sentiments, which the text expresses, as to the general, though not of necessity invariable, effect of anonymous writing about matters of contention.—W. E. G., 1878.]

of their truth, and their importance. As to their recoil upon ourselves, that is a secondary matter: we are not careful to seek a justification: if we can secure a general acquiescence in the sentence, we will cheerfully submit to be smitten by it.

81. We have laboured to describe frankly the position of an extreme section of theologians within the Church of England. Some persons conceive, that not only are they guilty of hypocrisy because they remain within her, but that their diocesans also are inexcusable for permitting their continuance, and indeed for encouraging it by recognising them as in all respects brethren; though reproving, as they may think fit, any opinion or practice which they judge to be injurious. We differ in the strongest manner from both of these positions. Although we carefully distinguish this section from the legitimate Catholic development, of which we believe it to be an exaggeration, we rejoice that these excellent persons abide in the Church, to enlighten it by the holy example of their lives. We rejoice that they feel the awful responsibility of that condemnation, which they would undertake to pronounce against her, by the act of quitting her communion.

82. It may be a light matter for those, who seem to seek to drive them forth, to pass from sect to sect, like butterflies from flower to flower. But allowance must be made for the totally different rules, which persons of different convictions apply to the consideration and decision of the same question.

It might be perfectly honest and consistent in those, who hold latitudinarian opinions respecting the Sacraments, to leave the Church from their dislike of her language, or because of their impatience of reproach from any of her members, or of their anxiety to give more

unequivocal expression, more free scope, to their own particular instincts, in matters of religion. But with those whose case we are now considering, the conditions of action are, as we conceive, very different. To them the Church of England either is the stewardess of the covenant of grace, or she is a counterfeit and an usurper. They cannot quit her communion without the most fearful guilt, unless she be the last. They cannot quit it, without affirming her to be such. Are they then to be seduced into such a pit of temptation, because a popular clamour admonishes them to it? or because they have a craving for greater spiritual luxuries elsewhere? or because interpretations, of equivocal and insufficient authority, or of no authority at all, are placed by some upon the formularies of the Church, such as in their judgment are at variance with Catholic truth? And this, too, while the Prelates of the Church become from year to year more copious and explicit in the exposition of her true nature, and of the power of her ordinances?

83. Surely those, who say so, know not what they speak nor whereof they affirm. They are applying to the consciences of other men the measure of their own; and are calling upon them in the name of a duty to perpetrate a sin. Surely it is the absolute duty of the divines and others whom we have named, upon the showing of their own principles, to abide where they are, so long as they conscientiously conceive, that the documents of the Church intend or even admit the Catholic sense, such a sense not being disowned or excluded by the plenary authority which, as we apprehend, is alone competent to pronounce such a sentence. And may God grant to the objects of this provocation a clear judgment and a cool head, to walk steadily where they have hitherto walked, though

the wrath of the tempest be on one hand, and the treachery of the shore on the other; and likewise to measure aright the responsibility of even indirectly leading others to do that, of which they for themselves perceive the peril and the sin.

84. If then the Catholic principles, originally contemplated by the private conclave of Oxonian divines, be firmly and ineradicably planted within the Church of England, and from day to day assert an increasing sway over her temper and her actions at large; and if with these sentiments there be now at length combined the hazardous element of a positive leaning towards Rome, and a disavowal of the stern resistance offered by our divines in general to her claims; what is to be the issue? Must not this fire either spread or be extinguished?

85. Our answer must be founded on certain assumptions. First, on the assumption that the great spiritual laws and facts, upon which the Church is founded, shall continue to command the general assent of our spiritual governors. For we do not pretend to foresee the issue of the confusion that must inevitably prevail, if Clarkes and Hoadleys, or even if Scotts or Holloways, or, more generally still, if any description of extreme, or hot-headed, or light-minded men, were, for a series of years, to be chosen, under any combination of circumstances, to fill the posts of authority in the Church. Secondly, we proceed upon the further assumption that our governors, moderate themselves, shall also generously tolerate immoderation in others (of course, while using every effort to allay and abate it), even up to the farthest bounds of charity and wisdom, not only in compassion to human weakness, but from the consideration that, still oppressed by our own low spiritual state, we have not yet laid the

foundation of well-schooled opinions in chastened and mortified tempers. We do not look to, we should be among the first to deprecate, the designation of bishops from any one complexion of sentiment exclusively. Nor do we desire the prevalence of a cold mediocrity; nor to see preferment confined to such divines as might most strictly coincide with our own, or any other, private judgment. It should fall to men, firstly, whose sentiments lie clearly within the limits of extravagance or morbid affection this way or that; and next who will treat with uniform long-suffering and gentleness *all* that lies within those limits: men of devout earnestness, without temerity or passion: men who will act under the lively recollection that they are stewards for the future, and that every step, in which they tread awry, must bear injuriously upon interests of inestimable value.

86. Under these favourable, but (because they scarcely imply more than a continuation of what at present exists) not, as we think, extravagant suppositions, we look hopefully forward to the future development even of that theological school amongst us which most leans to Rome. For, in the first place, the testimony of the Church herself is so decided, and her precautions so many and effective, that it is, we believe, quite impossible for them to effect the importation of the system of actual Rome amongst us, if, indeed, which we do not wholly believe, they seek it. In the second place, we conceive, it is not in human nature that they should continue for an indefinite or very long period, without becoming either less estranged in spirit, or more so in outward position. And, seeing that their principles have determined the latter, while novelty and temporary excitement, as well as hard usage, must or may have acted upon the former, we confi-

dently look to the triumph of the permanent over the transitory influence, and to their gradual return to a more firm, cheerful, and harmonious tone of accordance with the institutions of the Church of England.

87. Much might be said upon a totally distinct aspect of the Oxford movement; that, namely, in which it looks towards Protestantism in general, whether as represented by such national establishments of religion as involuntarily lost the Episcopate, or by those who have wilfully departed from the reformed Catholic communions of these islands. But it is time that these remarks, already so much protracted, should draw to a close; and we shall do little more than offer one or two observations intended to obviate any misconstructions that might possibly arise out of what has been already said.

88. The doctrine of toleration, which we have advocated, is commonly popular with those who have not the upper hand; and who are apt to invoke it on their own behalf, without reflecting that their own conduct may shortly become a precedent and plea in the mouth of their adversaries. We have not overlooked this likelihood. When we speak of toleration, we mean equality of dealing; we mean patience, and brotherly or fatherly endurance, looking both ways; both ways limited by the integrity of the faith and of essential order; both ways free and absolute, but within those confines only. We do not, for example, ask on the one hand a licence to teach the doctrine of Transubstantiation, which is contrary to the Articles of the Anglican Church; nor, on the other, a permission to impeach the Catholic creed of all Christendom, by setting down, as contrary to Scripture, that clause of it which teaches "one Baptism for the remission of sins." Were the contradiction of the plain

declarations of the local, and much more then of the equally plain declarations of the Universal Church, to be legitimated by the course we urge, we should see in it an abandonment of truth and order, which never could lead to permanent peace, but must issue in general anarchy. But, on the other hand, we would as strenuously deprecate any attempt to bind consciences (for example) to Bishop Tomline's 'Exposition of the Seventeenth Article,' as to rivet upon them that somewhat technical and peculiar notion of the Eucharistic Presence, which Archbishop Cranmer, in his last years, adopted, and which he declared when upon his trial. No doubt it is an arduous task for spiritual rulers thus to hold the balance even and unswayed by the gusts of passion, and to discern the dividing lines of faith and opinion in the details of theology. But, unless it were for arduous tasks, why were great faculties conferred upon mankind, and great means and exercises supplied for their development?

89. Again: as we, in the capacity of a Church, have much to learn from other Churches, so, as leaning towards this or that form of thought and feeling within the Church, have we all much to learn from other modes of thought and feeling. We believe that, in the main, those who lean to the school called Evangelical, and those who regard with the strongest sympathies the Catholic movement, are alike, and earnestly attached to the communion of the Church; that they have many, and those the most essential, points in common: that both have rendered great services to the Church; that each has imparted much benefit to the other; that each is greatly superior to the conventional and secular school of clergy, frozen in doctrine and relaxed in life, which, by efforts unconsciously combined, they have been co-operating to sup-



plant. The Evangelical system, as well as the system more strictly and specifically Catholic, has its counterpart in the Church of Rome. There it exists in harmony with the whole, of which it forms a most valuable ingredient: we only want a diffused spirit of larger wisdom and a stricter discipline, to assign to it, in like manner, its place among ourselves. Without the safeguard of Catholic principles, it might indeed run out into fanatical excess, or wither into unbelief; but, amalgamated with them, it becomes a proper element of their exterior, if not of their vital, activity.

90. We shall venture, with great deference, to observe, that, in the particular of preaching, rather as to its form than its matter, our clergy, as a body, have yet much to learn; and that they may, perhaps, acquire a part of it from that school among themselves, which, in popular language, would be termed Evangelical. Preaching is a great Christian ordinance. It is also admirably suited, in its own nature, for the propagation of principles. We grieve, therefore, to see occasionally a sort of jealousy of this instrument, and a disposition as it were to avenge upon it the dishonour, which its exclusive admirers are so apt to do to the yet more solemn and elevated offices of the Church. But further: will the day ever arrive when English preaching in general shall attain to the natural ease and freedom, to that pastoral and persuasive character, in which we fear it is much behind the preaching of many other countries and communities, both Catholic and Protestant? It is not that it fails in matter and in thought. But the Sermon still remains, essentially, the written Essay. One consequence of this is, that it does not come with authority. Its very assertions of the doctrine of authority are themselves cold abstractions. It

has many excellences: the clergy strive hard, and in many cases with wonderful success, against a vicious system; but yet that, which is conceived according to the idea of a written essay, cannot, by any effort in the delivery, be converted into a warm and living sermon. We do not, in preaching, follow the path which Nature spontaneously dictates to a man, desirous through the gift of speech to persuade his fellow-men. A speech of two hours is often heard with less wandering of mind, than a sermon of thirty minutes; and that by men whose hearts are interested in the subject of the sermon, to a degree infinitely exceeding their care for that of the speech. But the sermon is a dissertation, and does violence to nature in the effort to be like a speech; the speech is, commonly at least, more like what Nature prompts. An essay may, indeed, be of such surpassing excellence, as to be heard with unbroken interest throughout; but the mass of the essays of a body of fifteen thousand men never can. We long for more than mere amendments in detail. Our need is for the introduction, or the general prevalence, of a new idea as the proper basis of the practice of preaching. This would place the Church of England in a position to avail herself of the full power of the mighty engine for promoting the glory of God, and the conversion, edification, and salvation of the souls of men. We do not say that any school or portion of the clergy is in anything like full possession of this secret. But we think it evident, from the results wrought upon our congregations, that the more full and Catholic teacher has in this matter something to learn from those, whose scheme of doctrine we believe to be far more meagre and superficial.

91. Again, as to the charge of uncharitableness, which

is advanced against Catholic doctrines, on account of their supposed bearing upon the spiritual condition of the members of sectarian bodies: We are convinced that this accusation is in itself light and bodiless as air; but we are not sure, in the same degree, that those, at whom it is aimed, are apt and successful, or indeed sufficiently sedulous, in showing it to be so. They are charged with unchurching other religious bodies. And indeed, upon the abstract position of societies as such, and as distinguished from the persons belonging to them, Catholic principles, we conceive, can have no mercy. But the question is, do those principles deprive pious individuals of their privileges, or their hopes? We would refer to the concluding part of the able work of Manning, on the *Unity of the Church*,\* for a full answer to this question. In the meantime we reply, Catholic principles take from the members of sectarian bodies nothing which they claim for themselves. They say that sacraments are but edifying signs. It is not denied that in this, their own sense, they have sacraments. They allege that Churches are human and voluntary associations, for the purposes of Christian worship and instruction. It is admitted, that they themselves are so associated. They allege, that those members of their Churches who have a living faith and love, are united to the Redeemer, and are strictly members of His Church, mystical and invisible.† All this is joyfully recognised. All, that is positive and sub-

\* 'The Unity of the Church.' By Henry Edward Manning, M.A. London: Murray, 1842.

† [These are under-statements. On the principles laid down in the text, it is plain that all persons baptised with due form and matter, are also members of the visible Church, by virtue of their Baptism.—W. E. G., 1878.]

stantive in their claims for obedient believers, Catholic principles not only allow, but declare. The real negations are on the other side. The Catholic faith, over and above what we have recited, teaches that there has been embodied in the Gospel revelation, a visible and permanent organisation, chartered and endowed with spiritual gifts for the salvation of men. This they deem heresy. It is their misfortune: would to God it were in our power to rid them of it! In doing it they would be invited to part, not with their belief, but with their unbelief. The Catholic has open to him the full breadth of the ground of spiritual communion with the pious soul, wherever that soul is found. He has also another ground, which supplies him with enlarged and expanded hopes for mankind, in the belief of a specific organ of ordinances for their salvation; could that ground be removed from under his feet, the change would enrich none, though it would make him poor indeed.

92. Nor do we indeed fear to add, that there is one vital and prolific subject, upon which the Catholic system lays a ground of sympathy and concurrence with the pious separatists of our own country, such as no other school of opinion within the Church can possibly afford. For no other school is friendly to ecclesiastical discipline: others have indeed, in this respect, sadly departed from the principles of the Reformation (whether Continental, Anglican, or Scottish); and Catholic views alone can effect a return to them. The great strength of dissent in this country lies, as we believe, in the impression of serious-minded persons of the middle and the lower class, that the Church of England is a faithless and adulterous Church, in her neglect of discipline over her lay members. To accomplish the removal of this impression, would be

to reduce dissent to a *caput mortuum*. It can only be removed, by an important progression in the Church with regard to that department; and, although we are precluded by want of space from pursuing further this interesting question, we have indicated the quarter from which only that progression can be expected to proceed.

93. And now we have done with our mighty theme. The brain almost reels at the magnitude of the interests, and therefore of the hazards, involved in it. It has been our desire to handle it with a freedom proportioned to the necessities of the case, but not exceeding them. If towards any communion, Protestant or unreformed, towards any person of whatever station or whatever sentiments, we have entertained convictions or uttered language wanting in charity or respect, we acknowledge the heaviness of the fault, and implore pardon. And, at least, we cannot draw the curtain upon the sad picture of Christian division and dissension, without beseeching the reader to offer up to God the fervent prayer, that the afflicting contemplation of such a scene may inspire him with the resolution to "seek peace and ensue it" in the vineyard of the Lord on earth; and, if he cannot here enjoy his soul's desire, then, that he may be moved by the prevailing discord the more manfully to press towards the mark for the prize of entering into that rest, wherein the unclouded presence of God shall enlighten His people, and His unity shall enfold them for evermore.

## II.

### WARD'S IDEAL OF A CHRISTIAN CHURCH.\*

1844.

1. [THE publication of Mr. Ward's partly volume announces with more than ordinary distinctness the arrival of a crisis in the destinies of the English Church. Not such a crisis, however, as that which attends upon the course of fever, and which works out for itself a sharp and sudden issue. On the contrary, notwithstanding all that has been erroneously, and all that has been truly said of the flagrancy of abuse, of the prostration of discipline, and of the feuds and variances of doctrine, in the Church of England, nothing seems more plain than that her subjective materials are after all too solid, and too tenacious of the life which they contain, to permit, in the

\* [This paper may be termed polemical; but I republish it, after an interval of thirty-three years, because it is also, and yet more properly, historical. It relates to a great crisis in the Church History of the country; and to the arguments maintained, and methods pursued, by one of the most vigorous, consistent, and personally respected, among the large and important body, or rather series of men, who, in the period between 1840 and 1860, seceded from the Anglican to the Roman Church. This Essay was largely considered by Mr. Lockhart, at that time the able and practised Editor of the *Quarterly Review*; with the advice and assistance, I believe, of Bishop, then Archdeacon, Wilberforce. It was shortened by some omissions. I have reinserted the principal passages between brackets. The paper appeared in the *Quarterly Review* for December 1844; and it was a criticism on 'The Ideal of a Christian Church, considered in comparison with existing practice.' By the Rev. W. G. Ward, M.A., Fellow of Balliol College, Oxford. 8vo., London, 1844.—W. E. G., 1878.]

minds of reasonable men, the serious apprehension of any such contingency. Besides which, the patience of most, perhaps of all, classes of churchmen has already been so seriously tried, in more ways than one, during recent years, that upon a review of their chequered and uneasy history, such reflections are suggested as these:—if convulsion had been at hand, it must already have come; if there had been combustibles enough for a conflagration, all must already have been in flames, for by this hand and by that the match has certainly been applied. But those who dismiss any speculation so alarming may still believe that the Church of England is capable of being, and has become, the subject of a crisis in another and not a less real sense. The admission or the new development of determining influences, previously unknown, either because not present or because not perceived, may involve processes of life and death as surely as any sudden access or revulsion of the force of disease; and the former, on account of its graduated movement, requires far more care to detect and to exhibit it; far greater effort in those, to whose view it is accessible, to appreciate and to realise it.

2. Thus, for example, the Revolution of 1688 was the commencement of a crisis in our ecclesiastical history; it set in motion positive elements and forces, of which the impulse went to the very seat of life; and yet it appeared to be little more than a negative event, the escape from a particular casualty, and the attainment of a position of perfect equilibrium and permanent tranquillity. So true is this, that our historians in many cases have ceased, from the accession of the House of Hanover or thereabouts, even to take notice of that department of affairs: as if the Church had then attained a fixity so absolute that it

might be eliminated, like a constant quantity, from among those fluent materials with which history is conversant. But we have now entered upon a reversed career; and it is important that we should mark the point of its commencement, and estimate, as far as we can, both the stages of its progress, and its eventual destination. Where is this to end? is the question which solicits and absorbs the thoughts of men. And the work of Mr. Ward at least does us this service: it exhibits a picture which is sufficiently definite and intelligible, and which is also sufficiently lively and impressive in its principal constituent parts: so that it both describes systematically, and realises to us what it describes. It must show a fault in our own powers of observing, of feeling, and of reasoning, if we do not turn such a production to account.

3. Mr. Ward shall receive at our hands a different treatment from that to which, as we perceive, he has been subjected by a portion of the public journals of the country. That a clergyman of unblemished character, who writes seriously and in good faith, should be met by argument and charity, and ought not to be made the subject of coarse and rancorous abuse, we should have ventured in a Christian land to term a self-evident proposition, if we had not the melancholy proofs before us from week to week that there are those who become blinded by passion to its truth. But it is a much more serious evil, in a case of itself so grave, that the cause of unity in the Church should suffer by the exhibition in caricature of a production which, if it be already extravagant, it is the more dangerous further to distort. For when from a continuous and elaborate work written, as we think, under the influence of very warm tempers, passages are culled here and there, not for the purpose of exhibiting its



general tenour; but, on the contrary, with a careful and an exclusive selection of everything that is extreme, then, however accurate the citations may be in detail, the result as a whole is gross misrepresentation. For our own parts we cannot but feel that, in a state of religious *eunomy*, propositions such as those of Mr. Ward should be dealt with by authority: and individuals who in default of any such instrument take his work in hand should approach their task with a solemn sense of responsibility, with every effort to attain and to maintain a judicial temper, and with the desire to compose the minds of men, in so far as either the work itself, or unjust and untrue accounts of it, may have tended unduly to trouble them.]

4. We shall commence by presenting some of those softening shades which will, in the eye of the general reader, relieve the more glaring colours of the book. And first of all we must quote a passage, in which, with evident sincerity and an engaging warmth, Mr. Ward places himself in the category of the struggling sinner, and not of the aspiring saint.

“Should it be imagined that the free strictures and confident opinions in which I may indulge imply any arrogation to myself of moral superiority over those whom I criticise: should it be imagined that when I acknowledge the English system to be in many particulars uncongenial with my own feelings, I allude to the impediments by which it thwarts the aspirations of a holy mind after saintliness, rather than the absence of such helps as may support an erring and sinful mind in the most ordinary path of salvation: should this be imagined, I should be almost overpowered with shame and confusion.”—Pp. 7, 8.

Let us keep on friendly terms with Mr. Ward while we can, and acknowledge that at least he makes a good commencement in thus taking “the lowest room”: according to that noble prayer of Bishop Andrewes, “Oh, give to me,

the meanest of them all, the meanest place beneath their feet, beneath the feet of thine elect, of the meanest of them.”\*

5. Next, Mr. Ward appears not to contemplate leaving the Church of England.

“The very idea of leaving our church has never been before my own mind as an immediately practical question : my present feeling is (without for one moment judging others) that I should myself commit a mortal sin by doing so; and it has been my uniform endeavour to divert my imagination from dwelling on such a contingency, even as a future possibility.”—P. 71.

But further, he distinctly disavows the intention of remaining in the Church as a spy, or traitor in an hostile camp: Mr. Ward urges that he has always enforced (p. 67) the claim of the Church on our allegiance. He can understand, he states, a person’s considering anxiously whether or not to join the Church of Rome :—

“But I cannot understand that a religious person should for any length of time doubt that if he do remain in our Church he must remain as her faithful and attached son ; not standing as it were with one foot in England and the other in Rome, but devoting himself with undivided loyalty to his immediate mother.”—P. 67.

6. And, in illustrating this position, he lays down principles which, as we think, may indeed presently be appealed to against himself, but of which he is fully entitled to the benefit in any estimate we may form of his motives and conduct. For these, and not the truth, wisdom, or justice of his views, are the matters we have for the moment before us.

“He” (that is, the religious person) “will fix his affections im-

mediately on the Church wherein God has placed him, and only *through* that on the great Catholic community throughout the world: the English Church will be to him"—

(the reader should mark well these words)—

—"will be to him the visible embodiment and channel of his Lord's presence."—P. 68.

And he proceeds to exemplify various forms in which this attachment will work. Nor is this in a single passage: but again he claims "a genuine allegiance and attachment to the Church of England in the truest sense of the words," and "a hearty loyalty to our own Church" (p. 4).

7. Mr. Ward is fondly attached to the "Common Prayer Book" "as a whole"; and though he thinks there are minor differences, not inconsiderable in themselves, with regard to it, yet he will not name them, because it is "so very dear to every Catholic-minded member of our Church, and taken altogether is in *essentials* so accordant with the old Catholic services" (p. 114).

And here we must stop to remark what a cause of unbounded thankfulness it should be to us, that all classes of members of the English Church are so sincerely united in their affection to the Book of Common Prayer as the faithful exponent of Gospel truth in all those holy ordinances which it sets forth. We have shown Mr. Ward at one extremity professing this attachment: Mr. Isaac Taylor is not less ardent in professing it, from the very opposite point of the compass, at which he stands.\* Not that they describe it in the same terms, or value its different parts in the same proportions: Mr. Ward admires

\* Taylor's 'Ancient Christianity,' vol. ii. pp. 489-510.

its Catholic character; Mr. Taylor's enthusiasm is kindled by his believing it to be thoroughly Protestant. But at least this gratifying picture is exhibited, that in a period of very serious distractions, those who represent the most marked contrasts of opinion within the Reformed English Church, unite in prizing very highly, and in prizing as a whole, that Liturgy which is no merely accidental appendage to her, but which constitutes to the great mass of her members the principal exhibition of her character and (under the sacred Scriptures) nearly the whole of her authoritative teaching. If, amidst their disputes, men could but steadily keep in view the thoughts and purposes of peace, surely they could not fail to perceive that, in this country at least, when one man extols the Prayer Book as Catholic, and another as Protestant, many of the very same ingredients in its composition are at the same moment present to the mind of each, though expressed by them under different, and, as some will have it, incompatible designations: such ingredients as the intense earnestness of its confessions, the comprehensive scope and the fervour of its prayers, the majesty of its hymns of praise, the truth and force with which it represents and provides for the mutual relations of God and His worshippers, and of men one towards another.

8. But further: this is not to Mr. Ward a merely abstract excellence; he contemplates the Church offices as capable of ministering abundantly to our spiritual needs.

"Such is the great blessing we derive from that profession of orthodoxy which our Church has retained: the Creeds and the Prayer Book have stored within them all that the sorrowful or sinful soul can need: all, that is, except supernatural grace, and that our Church is also privileged to dispense."—P. 459.

And this assertion of the title of the Church of England

to dispense grace is presented in bolder relief by a passage which compares her position with that of Dissenting communities.

"We feel attachment to our Church, because through it we were born again, and because through its ordinances we obtain communion with Christ. I have never for one moment wavered in this conviction, from my first article in the *British Critic* to my last: and here is a marked difference between the attachment entertained by English Churchmen to their Church, and that felt by Dissenters of various classes to their respective societies. If Dissenters enjoy communion with Christ (and I rejoice in believing that very many do enjoy it), it is not *through* their Church that they enjoy such communion, nor do they profess it to be so: but our Church is a channel of sacramental grace."—P. 102.

No narrower meaning can justly be assigned to these passages than that the Church of England is at least a true branch of the Church of Christ; for there is no other body than that Church, as we apprehend, of which, according to the creed of Mr. Ward, it can allowably be predicated that it is "privileged"—or endowed with title and authority—to dispense supernatural grace. Nor would it be possible, unless this character were recognised by him in the Church of England, that he should draw the contrast which he has exhibited between her and Dissenting communions, and according to which the one is a medium of communion with the Redeemer, and the others are not. As if, however, to obviate any doubts on this head, Mr. Ward has apprised us that the complaints he has to make are directed not against the Church, but against a system which he deems to be alien and intrusive (pp. 72, 386).

9. The effect of this introduction will probably be by no means to soften what is to follow, but rather to aggra-

vate the shock which the denunciations and invectives of Mr. Ward cannot fail to impart to the minds of Churchmen in general. We do not undertake, be it observed, in any manner to reconcile them with the passages which already have been quoted: but we think it much more just, both to the Church and to Mr. Ward, to assume as axiomatic the declarations of his allegiance, and to leave it to him to bring other parts of his book into harmony with them, than, for the sake of producing greater stir and effect, to exhibit as the principal objects in the picture sentiments which appear irreconcilable with the fundamental laws of its composition.

10. The points, which Mr. Ward has moved and questioned, are by far too numerous to be extracted and discussed in anything like complete detail. Our design will be confined to the consideration of certain leading positions, and we shall also dwell more on his modes of examination and judgment than on his results. We propose to consider chiefly—

(I.) His treatment of the English Reformation and Reformers.

(II.) His methods of estimating the Church of England and the Church of Rome.

(III.) His novel and most dangerous philosophy concerning the supremacy of conscience in the pursuit of moral and religious truth.

(IV.) Some topics relating to those questions of ecclesiastical allegiance which the appearance of a work of such a nature, and from such a quarter, could not fail to bring into livelier agitation.

\* 11. In defence of the freedom of our own language, we shall only beg that it may be estimated with reference to the momentous character of the subject-matter, and to the

tone of the work which calls it forth. We shall, however, seek to profit by the excellent example of the author before us, in avoiding the imputation of motives. It will be our task to exhibit facts and reasonings, to follow their guidance, and to offer the comments which they themselves properly suggest; without either the right or the desire to impeach Mr. Ward's sincerity and earnestness in obeying the dictates, though, as we should say, the much mistaken dictates of his conscience.

12. (I.) Let us commence with Mr. Ward's view of the English Reformation; on which we must thus early fasten the charge of most extravagant injustice.

He begins by informing us that "some members of the English Church" (including himself) "regard with deep and burning hatred that miserable event" (p. 44).

And in a note (p. 44) he complains, that whereas conscience, though ill directed, prompted the Foreign Reformers in their movement, he can find in England no trace of such a process, at least among the leaders of the Reformation. "They objected, indeed, to the prevalent corruptions," but not with the "single-minded and honest indignation" of Luther: "their real grounds of offence seem to have been mainly of a political order."

"Their principle seems to have been, so far as they had any, that men may without grievous sin, nay innocently, nay laudably, leave the system in which God has placed them, without ever having honestly and heartily tried it, and thus spiritually apprehended its real nature, from having intellectually compared its external appearance . . . with some external standard; in other words, that not conscience, but intellect, is supreme judge of religious truth. It will be seen, then, that I cannot at all agree with those who prefer the English Reformation to the Foreign; so far from it, I know no single movement in the Church, except Arianism in the

fourth century, which seems to me so wholly destitute of all claims on our sympathy and regard, as the English Reformation."—Pp. 44, 45, *note*.

13. But lest it should be said these are hasty and isolated expressions, Mr. Ward by-and-by returns to the charge, and assures us not only that his language, "deep and burning hatred," for example, falls short of his convictions, but likewise that these convictions are entertained, as we understand him, with the certainty of faith.

"When I feel called upon to use strong language about the corruption of our own Church, the sinfulness of the Reformation, or similar matters, I really am not at all conscious of being influenced either by desire of eccentricity, or by a spirit of undutifulness. The words I use do not even fully express the convictions that are among the very deepest I feel."—P. 293.

14. Thus far, however, Mr. Ward has assailed chiefly by implication the personal characters of the Reformers; but this defect he subsequently supplies; for he is not ashamed to accuse them distinctly of an

"utter want of fixed religious principles."—P. 481.

And he broadly separates himself from such persons as may

"look on the leading Reformers as serious men, as having been zealous for doctrine, and as having realised their religious expressions."—P. 481.

And once more :

"I do not myself think . . . our leading Reformers were serious men, and cared for religion on its own account."—P. 478.

15. Nor will he allow even the results of the English Reformation to occupy a position of advantage as compared



with those of Germany: he continues to the close of the volume to be "unprepared with an opinion whether the cause of Protestantism has been more disastrous here or abroad" (p. 428); and he fears that it is the very same spirit working according to the speculative genius of the one country, and the practical bent of the other, which has produced in Germany the "self-willed and arrogant questioning" of Christian dogma, and in England—

"such phenomena as those with which we are familiar; an unbridled thirst for gain; selfish neglect of the poor; disregard of the claims and of the distresses of conscience; a habit of miserable and cowardly compromise; a deeply and widely extending secularisation of the Church."—P. 429.

16. Here is the verdict deliberately pronounced by Mr. Ward against the English Reformation and its authors: and it amounts simply to this, that no words which human language will supply can suffice to describe their vileness. But where are the grounds of this verdict? Where are the evidences of patient, laborious, and impartial examination, by which alone such a verdict could be justified, and without which it cannot be excused? Mr. Ward will remember the Athenian law, by which in certain cases the accuser failing in his proof forfeited his head. A great moral truth was figured by that law: the immense responsibility of those who bring heavy charges: and, by consequence, both the great merit of those who impeach justly, and the great guilt of those who accuse falsely. Even a false accusation, however, may be palliated upon one condition: it is, where he who imputes the crime has taken all the means in his power to know the truth, and has failed from some cause other than his own negligence. What shall we say then of Mr. Ward? He sums up the

motives of the Reformers into a gratuitous and fanciful theory, of which we will venture to say that it had no original either in the facts of the case or in the minds of any one of the men whom he has denounced as its followers; but he does not condescend to bring evidence, to particularise his charges, to afford any clue by which we may either arrive at a persuasion of their truth, or demonstrate their futility: he does not show, he does not even say, that he has applied his mind to the study of the records, vast and complex as they are, of the prolonged and diversified proceedings, which he heaps together under the name of the English Reformation.

17. If his tremendous imputations are true, they are true, so far as he is himself concerned, by a happy accident: unless indeed it be that he has used the perfection of pains to conceal his pains, and has in secret investigated the depths of his subject while in his published work he skims lighter than Camilla along the surface. But, whether he has done so or not, he does not stand *rectus in curiâ* himself; for he was bound not only to do it, but to show that he had done it. Every principle, not only of reverence, but of propriety in a much lower sense, and one tithe of that regard for "the sacredness of hereditary religion" to which in its other bearings he assigns so enormous an importance, required of him that if he deemed it his duty, as a priest of the Church of England, to pronounce the heaviest of all judgments upon his antecessors and progenitors in the faith, he should prove that this had been done only in a sorrowful deference to conscience at every step, and not without the grave and dispassionate examination, which his learned leisure in Oxford, and his manifest abilities, would well have enabled him to institute. But, instead of this, he appears

tranquilly to assume that the English Bishops of the sixteenth century are ecclesiastical outlaws, against whom any and every man's hand is to be raised; that, in order to dispose of their claims upon us, no process is necessary, no counsel or jury, no judge, no testimony; the hangman is the only personage whose function is applicable to their case, and even he cannot "fully" discharge the debt due to their demerits.

18. Under these circumstances, then, we except *in limine* to Mr. Ward's competency to act as a teacher and a guide through the thorny passages, which he has chosen to tread. He has undertaken an Herculean task in "endeavouring to obtain some little insight into that hitherto unexplored abyss, our doctrinal and practical corruptions" (p. 103). We will not admit that he can lawfully challenge an opponent to contest these great historical questions with him at all. By reason of his own contemptuous procedure, his broad and sweeping denunciations do not even raise a presumption against their objects, but they recoil with no small force upon himself. The presumption which he does succeed in raising is this, that he himself labours under internal disqualifications of intellectual habit, or of temperament, for the work to which he has set his hand: and, if he hopes hereafter to vindicate himself, he must substitute for the saltations by which he reaches his conclusions in the work before us, the patient and measured march of thought, which no Oxford student has an adequate excuse for having failed to learn under the auspices of Aristotle and of Butler.

19. Now, we shall not pretend to present an historical confutation of Mr. Ward in these allegations. It is extremely difficult to grasp air and to fight with moonshine; and it is scarcely less hard to deal with charges which,

ponderous as they are, are so deficient in particularity, and which so entirely avoid any appeal to evidence. There is no link or bond, connecting them with the actual events of the time, to which the test of examination could be effectually applied. Yet enough may be said to show presumptions at least that his representation is not more unwarrantable for the mode in which it is made, than it is baseless in itself.

20. He says of the English Reformers that "their real grounds of offence seem to have been mainly of a political order;" and that they thought men might laudably "leave the system in which God had placed them without even having honestly and heartily tried it." Who are those English Reformers, whose grounds of proceeding were mainly political? To take the latest period first—are they Parker and his contemporaries? Surely it is difficult to maintain that political motives can be imputed as the probable ground of the ecclesiastical measures which were pursued at the accession of Elizabeth. On the one hand lay the See of Rome, great in its influence and in its associations, and supported by all the principal thrones of Christendom. On the other hand lay a Protestant party, widely spread through France and Germany, south as well as north, and politically combined, though doctrinally far from being harmonious in itself. What did England resolve? She joined neither with the stronger party, nor even with the weaker. She took a course, indeed, nearer to that of the last than of the first, but wholly different from it. She did not adopt the distinctive theories either of Lutheran or Calvinist; but offended the first by declining the device of consubstantiation, and the last by the whole tone of her liturgy, her hierarchy, and her ceremonial. Thus far, then, their pro-

ceedings were surely anything but those of merely political churchmen.

21. Nor was this done accidentally. Foreign influences had become powerfully impressed upon the Marian exiles. A strong mind and a strong hand were required to repress them; and these were not wanting in the day of need. With a consummate wisdom, it was determined to use every effort for avoiding, within the limits of this country, any rupture of communion. And the measures of reform were so devised, that such rupture was avoided until the Pope, whose bull, according to Mr. Ward,\* may not be made the subject of adverse comment, undertook to depose Elizabeth from her throne, and to invite and enjoin her subjects to put an end to her existence. Why is it to be alleged that there was no religious motive in the mind of Parker and his colleagues? Did they act as, under the circumstances, religious men might or would have acted? Did they erect firm barriers, which have never yet been thrown down, against the growing sympathies with the followers of Zuinglius and Calvin? Did they enshrine in the liturgy the principles, which produced the Anglican theology of the seventeenth century? Did they frame their Articles in a spirit so Catholic, as to carry with them, a few individuals excepted, the whole body of the clergy and of the people? Did they resemble politicians in pandering to the passions of the violent, or did these leaders, of whom we speak, either encourage the sacrilege of the nobles, or erect for themselves great estates out of the wreck which was then made of the

\* Mr. Ward says this of dogmatic decrees of the Pope. But we apprehend that the dethroning power was urged as a dogma in what may be called with fairness the authoritative teaching of the Church of Rome.

huge and overgrown possessions of the Church? As their measures and language were moderate in comparison with those prevalent at the time, so were their lives pious and blameless. We cannot read their hearts, if Mr. Ward can; but reduced as we are to the ordinary and humble process of exercising the judgment upon matters of fact, we say that Mr. Ward's scandalous imputations cannot be fastened upon Archbishop Parker and his prominent coadjutors.

22. Now it will not suffice to say that all this was owing to Elizabeth, and to her love especially of high prerogative; for, in the first place, it is notorious that Elizabeth did not always meet with the concurrence of the Bishops; and, in the second, we apprehend that, at that period, the extreme Protestant party was even more ready than any other to have allowed and claimed, for a sovereign friendly to them in religion, the largest powers. A hundred years had yet to run before the discovery was to be made by the second Charles, that Presbyterianism was not a religion for a gentleman. And here we have touched upon a part of the subject, which appears to us to have afforded to Mr. Ward the occasion of carrying to a climax his capricious injustice. If there be one measure which, in our judgment, more deserves our gratitude and praise than any other of those which were adopted at the period, it was the plan of framing the Articles of religion in such a spirit of comprehension as might avert the rending of the body of the Church. It is also, we apprehend, historically undeniable that in the same spirit the Elizabethan Reformers, when they altered so materially the Communion Office of the Second Prayer Book of Edward VI., kept in view such a liberty of opinion with respect to the Real Presence, as might serve to attain that great end of pre-

venting a schism. In the Articles were inserted such guards, as they thought necessary to obviate the danger of a recurrence to the extirpated abuses; but no more.

23. To this comprehensiveness of purpose Dr. Pusey has, on the part of those with whom Mr. Ward is presumed to sympathise, made an elaborate appeal.\* Will it be believed, by those who have not read the work of Mr. Ward, that after this recourse to the spirit and intentions of the Reformers for protection, that very same assumption should have been converted by Mr. Ward into one of the bitter and withering charges in which he so much abounds? He accuses those whom, until he has carefully and judicially examined their acts, he is bound to revere, of a vile deception:—

“Three years since I distinctly charged the Reformers with fully tolerating the absence from the Articles of any *real* anti-Roman determination, so only they were allowed to preserve an apparent one: a charge which I here beg, as distinctly, to repeat.”—Note, p. 100.

And again, he says he explained three years ago—

“the manner in which the dry wording of the Articles can be divorced from their natural spirit, and accepted by an orthodox believer; how their *primâ facie* meaning is evaded, and the *artifice* of their inventors thrown back in recoil on themselves.”—P. 69.

24. But we return to the charge, that political and not religious motives prompted the English Reformation. Perhaps Mr. Ward meant this charge, not for the Elizabethan Reformers, but for Cranmer and Ridley, and their coadjutors of the time of Edward VI. But nothing can be more alien to the presumptions which the facts suggest.

\* A Letter to his Grace the Archbishop of Canterbury, by the Rev. E. B. Pusey, D.D. Oxford, 1842.

If we examine the records of the time, we there trace the progress, in the mind of Cranmer, of particular opinions as his life advanced. We know of him also that he was a diligent student, and a master of patristic learning: and even the bitterest adversary must allow that Ridley was a practised theologian. Mr. Ward admits that both these prelates protested against prevailing corruptions; but not, it seems, with quite enough of single-minded and honest indignation. Would to God that this same quality of indignation, a sad snare as it has been to many virtuous minds, and a powerful instrument in the hands of Satan for their deterioration, if not their destruction, were not in the sight of Mr. Ward a pearl of such great price! For our part, we lament that so wide a scope was given at the period of the Reformation to a temper which, we deeply regret to say, Mr. Ward's book, on account of the triviality of its investigations of fact combined with the savageness of its censures, seems to us more calculated than any other recent publication to revive.

25. But, whatever be the value of this sort of indignation, and however Cranmer and Ridley may have failed (of which we were, however, certainly unaware) to display the quantity of it necessary for the teachers of the Gospel, at least the absence of it will scarcely be held to constitute a proof that they had no other than political motives; particularly as it happens that much is known of the internal history of their religious sentiments, and as the course of public Reformation at the time corresponds with it. Other presumptions, however, against Mr. Ward are not wanting. It is the judgment of Mr. Hallam,\* that the

\* 'Constitutional History of England,' vol. i. p. 143, n. "In fact no scheme of religion would on the whole have been so acceptable to



religious changes made by Henry VIII. were eminently popular with the nation at large. But, on the contrary, those further alterations, which followed in the reign of Edward VI., even excited serious outbreaks among the peasantry. It was not, therefore, from political motives of a domestic kind that such alterations could have been adopted; because they converted a quiet and, on the whole, an united temper of affairs into one of considerable distraction. But surely, neither was it from a regard to political support abroad; because, if that had been the object, we should have found the English Church taking for her model the proceedings of the German reformation, or else of the Swiss and French, and taking sides in the struggle which was then in progress, instead of pursuing gradually her own line, according to her own convictions. She would likewise, in that case, have leant determinately towards that party among the Protestants of the Continent, which seems to have been by much the strongest at the time, namely the party of Luther and Melancthon. But, on the contrary, when, in the latter part of Edward's reign, foreign sympathies began to act powerfully on the English Church, they were manifestly of the Zuinglian school, and they left a marked impression upon the Eucharistic Office of the Second Prayer Book.

26. If, lastly, Mr. Ward means by his charges of political motives, simply a spirit of opposition to Roman interference, as seems probable, then we are surprised that he did not recollect that everything of this kind was

the nation as that which Henry left established, consisting chiefly of what was called Catholic in doctrine, but free from the grosser abuses, and from all connection with the See of Rome. Arbitrary and capricious as that king was, he carried the people along with him, as I believe, both as to what he renounced and what he retained."

already secured when Edward VI. came to the throne. In the latter part of the reign of Henry VIII., such beginnings of a doctrinal Reformation as had been previously made had been almost entirely suppressed: but the ecclesiastical power of the Crown stood higher than at the ultimate settlement under Elizabeth. Surely, then, Cranmer and Ridley must have found themselves satisfied upon the accession of Edward VI., so far as the repudiation of Roman interference, and not only this, but the guarantees of that repudiation, in the erection of the royal supremacy, were concerned; and there remains accordingly no ground for the imputation that political motives urged these prelates upon the advanced measures of religious reformation, which were adopted under that sovereign.

27. We are driven back, then, upon the first of the three distinct periods of the English Reformation, namely the reign of Henry VIII. And here Mr. Ward may perhaps be surprised to find that his accusation really lights, so far as it can find a resting-place at all, upon heads different from those for which it was intended—upon the heads of Warham, of Bonner, of Gardiner, and of Tunstal. For it was in 1531, when Warham was Primate of the Church, that the Convocation of the Clergy acknowledged the headship of the Crown; and the three other prelates who have been named actually wrote against the Papal supremacy.\* It was also before Cranmer became Archbishop that the statute was passed, in February 1533, prohibiting appeals to Rome. So that, in point of fact, that upon which the ecclesiastical title of the sub-

\* [Bonner and Gardiner are those most open to the charge of subserviency: as the book *De verâ obedientiâ* was not published until 1534. Bonner wrote the Preface to it.—W. E. G., 1878.]

sequent English Reformation under Elizabeth appears to turn, namely the matter of the royal supremacy, was synodically determined before Cranmer became a bishop, and under a body of prelates not one of whom was a party to the doctrinal and ritual reformation of a later date. Again, although it is true that the act against bulls dated from the primacy of Cranmer, yet he was but one, and it is notorious that that measure also had the concurrence of his brethren generally. It thus appears, that Mr. Ward's charge of political motives, if warrantable at all, which we do not mean by this hypothesis to concede, is most applicable to those bishops of Henry's time who are not at all included under the ordinary designation of English Reformers: it is utterly inapplicable to the Bishops of Edward's reign (excepting Cranmer), who made a reformation that was subsequently overturned and abolished; and it is not supported by a shadow of fair presumption in reference to Archbishop Parker and his contemporaries, the Reformers to whom we are mainly to ascribe our present settlement.

28. As to the further charge, that they had not tried the system from which they departed, we ask whether it is possible to conceive anything more calculated to arouse the displeasure of just men or the ridicule of the world, than that a gentleman of the nineteenth century should acquaint the country that those bodies of grave and serious persons, born under the Papal jurisdiction, trained in the lap of the Roman Church, given to study, holding most responsible situations, of unimpeached personal character, and remarkable, at least among the men of that age, for the deliberate graduation of their measures of reform, had had no real experience of that system, which it was the purpose of their lives to amend; this gentleman himself

being one who was born out of that system, who has only begun within the last few years to think about it, and who can have had no experience of it whatever, but simply contemplates it as a spectator from afar!

29. But, again, Mr. Ward thinks that the English Reformation will not even bear a comparison with the Foreign one; that it was worse in its character, and not better in its results. Let not any one suppose from this statement that Mr. Ward has an undue tenderness for the foreign Reformation. On the contrary, he says of the Lutheran doctrine of justification, that he rejoices to have

“ventured to characterise that hateful and fearful type of Antichrist in terms not wholly inadequate to its prodigious demerits.” —P. 305.

One would think this was the *ne plus ultra*: but the immense capacity of his powers of wrath and indignation enables him to open in the lowest deep a deep lower still. This doctrine of justification is not the only “prodigious demerit” in that system of which he is apprised. He may or he may not have seen the sentiments preached by Luther in his Sermon on Matrimony, or the document which conveys his judgment, and Melancthon’s, in favour of the bigamy of the Landgrave of Hesse (a judgment of which we believe he afterwards repented). But Mr. Ward ought to have seen these things, before he so coolly and glibly condemns the Bishops of his own Church in comparison with the Foreign Reformers. He quotes, however (p. 176), with apparent concurrence, a recent and remarkable pamphlet by Sir W. Hamilton, of Edinburgh, which charges Luther and Melancthon with having introduced a state of things subversive of all moral and religious law; with having preached incontinence, adultery, and incest; with having maintained polygamy to

the last as a religious speculation; with having desired to allow to Christian liberty a space not less ample than that of Mohammedan licence; and with having caused a fearful dissolution of manners throughout the sphere of Luther's influence.

30. All this Mr. Ward appears to adopt. And, again, he makes no such charges against the English Reformers. He does not state, nor can any man state, that they thus relaxed the marriage tie, or assailed with impure teaching the public ear. He does not pretend that, while setting up in an ostensible exclusiveness the authority of Scripture, they impugned the sacred book of the Apocalypse, or declared the Epistle of St. James to be an epistle of straw. On the contrary, he will find them not only labouring to repress the excess consequent upon great excitements, but we think also forbearing for the most part the use of such illegitimate means as tend to produce that evil. He will find them sedulous in the endeavour to maintain holy observances, the frequent Eucharist, and the daily sacrifice of prayer. He will find that in that daily sacrifice the people largely participated until many years after these Reformers were in their graves. And again we ask—is it consistent, we do not say with the Catholic temper of reverence and awe, but with the most homely and vulgar decency, for the English priest of 1844 thus to cast obloquy upon the English Bishops of the sixteenth century, to praise at their expense that Foreign Reformation which in its absolute character he declares to be abominable and anti-Christian; and to do this not only without proof, but where even the slender materials of testimony he thought fit to use told with resistless force against the wild and wanton opinions he has broached?

31. As to the results of the German Reformation, upon which Mr. Ward is so cautious—for he, too, has a caution, and one not less singular than his precipitancy—we fear it is well known to him and to others, that among the principal of those results has been a total loss (we speak of bodies only, not of individuals) of the idea of a fixed, changeless system of dogma, an objective truth revealed to men, and made available for their use in the Gospel. And there is nothing, in our view, that suggests more melancholy, or perhaps more useful reflections, than the observation of that principle of decadence, without the power of systematic reaction and recovery, which seems to have marked the course of aboriginal Protestantism, in nearly every case where, instead of being a protest in and by the Church, it became a protest against the Church. We will not be provoked by Mr. Ward's assaults upon the English Reformation to enter into the details of this painful subject. It probably has not occurred to him, as it has done to us, to hear from the lips of a German of high station,\* that he had listened to sermons delivered from the pulpit, for the purpose of disproving the being of a God. Not for the purpose of inflaming our "insular pride," of which we readily allow to Mr. Ward it is more than time we were well rid, but for the purpose of adoring God in respect of those perils from which we have been saved by the men Mr. Ward vituperates, we recommend to the reader the lucid and temperate volume of Mr. Dewar, the British Chaplain at Hamburg,† which traces in outline the course of opinion

\* [Baron Bunsen.]

† 'German Protestantism.' By the Rev. G. H. Dewar. London, 1844. See also the recent testimony of Dr. Heugh, a Scottish Presbyterian, 'Religion in Geneva and in Belgium.' Glasgow, 1844.

in Germany since the Reformation, with respect to the whole theory of belief.

32. (II.) We come now to Mr. Ward's representation of the present state of the English Church: and here the method he has pursued will obviate the necessity of lengthened quotations in order to an exhibition of his views. For he has summed up, in the contents of the sixth Chapter, such a portion of his charges as may present a fair sample of them. She has no system of moral discipline for the poor, and none for the rich; she "totally neglects her duties as guardian of and witness to morality"; and "totally neglects her duties as witness and teacher of orthodoxy" (p. xi.). And not only this—but she is "wholly destitute of external notes, and wholly indefensible as to her position by external, historical, ecclesiastical arguments" (p. 286).

33. We shall distinguish between this assertion as to the historical title of the Church, and the examination which Mr. Ward has instituted into her neglect of orthodoxy, of morality, and of discipline. And with regard to the first we must say, it is only another added to the many insults heaped by him upon the spiritual mother, through whom he received the knowledge of Christ, and was born into the family of God. At this conclusion, indeed, or perhaps any other, it might have been his misfortune, after investigation, to arrive. But it has been the subject of the controversy of centuries, in the hands of men of first-rate ability and learning. Hooker, Andrewes, Laud, Bramhall, Stillingfleet, Bull, and very many more, have laboured in this field, and have left behind them monuments of great industry and great sagacity. Nay, the recent effort of Mr. Palmer, in his elaborate work on the Church, has at least had this high compli-

ment paid to it, that there has been (we apprehend) no attempt at an answer to it by the Papal party in England.\*

34. Has Mr. Ward made himself master of this great controversy? He has evidently succeeded in dispelling all remains of doubt upon it from his mind; and he informs his brethren, that, contrary to their fixed persuasion, there is no external, no historical, no ecclesiastical argument of the slightest value to be urged on behalf of the Church of England. Has he, we ask again, undergone the labour of a process adequate to the breadth and the weight of his conclusion? We are bound to say his book shows no sign of his having at any time even read, much less fairly weighed, so much as a single work upon the subject. But, even if he has not picked up in retail at second and third hand the mere commonplaces of the adversary, and made them without a moment's thought the basis of his oracular announcement—if he has faithfully discharged this also like the former labour, and like the former labour has skilfully concealed it—we must again suggest to him that, in totally omitting to state the grounds of a conviction that strikes at the very root of the Christian privileges of his fellow-countrymen, in thus denouncing and repudiating the fundamental principles of those who had the first claim on his respect and adherence, without showing that he had ever examined them, he has proved himself most unhappily ignorant of what mere delicacy and decency require from persons in the position which he occupies as a clergyman, and as a member of the University of Oxford.

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\* [The statement remains true in 1878. This able and remarkable, if not entirely unexceptionable, work, has since received a handsome tribute from Dr. Newman in his *Apologia pro Vitâ Suâ*; perhaps the most attractive among all the works of that great writer.—W. E. G., 1878.]



35. With respect to his representation of the practical shortcomings and wants of our Church, we gladly allow that Mr. Ward has, at least, attempted to examine and expose them in detail. A calm-minded and equitable writer might, we think, have performed a task of immense importance and value by a deliberate investigation of this subject. But Mr. Ward has unhappily imparted to his book, by the passages which have been quoted, and by many more which we forbear to quote, the character of a railing accusation. It is impossible not to see the mischievous operation of these circumstances. He is himself assailed with a storm of invective : and he will not enjoy that tranquil shelter from the bad passions he has roused, which he could justly have sought from the Divine mercy, if he had preserved his right to say that his anathemas and impeachments were wrung from him by a hard necessity, that they were limited by the measure of the occasions that called them forth, and that they had not been launched without earnest consideration of the proofs upon which they rested. But what is yet far worse is this : Mr. Ward will confirm and inflame the insular pride that he wishes to destroy. When men are attacked, and especially when their fathers and their institutions are attacked, in indecent and outrageous language, they will escape the substance of the charge in their just complaints of the manner : they will lose the profit of the rebuke, because the man that administered it, instead of winning by gentleness his way to their affection and respect, stirred by his own rashness the fumes of passion that are sure to rise, to envelop the very objects he sought to expose, and to intercept and bewilder our view of them.

36. Even, we regret to say, in his detailed examination of the conduct of the English Church, Mr. Ward

evinces the same thorough one-sidedness and obliquity of judgment, which alone could have blinded him to the indecencies we have already attempted to point out. The only mode in which we can, without running into enormous detail, make good this assertion is, by showing in one or two particular cases with how different a measure he metes out justice to the English and the Roman systems respectively.

37. For instance. One of his charges against his country and his country's church is gross neglect of the poor. And God forbid it should be denied that we have abundant cause for pain and for shame in that respect, when we compare our state and practice with the holy law of God. But Mr. Ward makes this particular one of the counts in the indictment which he brings against our own Church, and by which he degrades her from any claim to represent the genuine character of the body of our Lord, in order that he may proceed to assert that another church, the Church of Rome, is really and alone entitled to the praise of exhibiting that character. Now we are prepared to deny that the poor are worse cared for in this country, than in lands where the Church of Rome bears sway; and we think Mr. Ward himself would do well to visit some of those lands. Let him, in Naples for example, witness the hideous forms in which human misery is permitted to display itself beneath the face of day; and observe how the remains of the dead are hurled without coffin or clothing into vaulted pits, before he reiterates this accusation. Before he complains of the food, lodging, and clothing of the English labouring class, let him examine those of the corresponding class in other European countries. Nay, before he complains of the pressure they endure on account of the restlessness and recklessness of

the commercial spirit, an evil we do not dissemble nor extenuate, let him in common justice inquire whether that evil is confined to England, and whether it does not exist elsewhere, and rage, even in countries of the Roman obedience, with still greater malignity.

38. We pass to Mr. Ward's doctrine concerning factory labour. He cites on this head the sentiments expressed in a work,\* not written, we are persuaded, with any wilful exaggeration, but still from its very nature couched in terms highly rhetorical, yet adopted by Mr. Ward, as if they were merely the language of dry and dispassionate description. From this work (p. 27) he shows, in extremely general terms, the mischiefs of factory labour. One definite statement, indeed, we perceive in his quotation, namely, that twelve hours a day are the minimum of labour for young persons. Now, if he had taken the trouble to refer to the Act before fastening his charge upon the Church, he would have found that twelve hours were the maximum, and for children four hours more than the maximum, at the time when the work was published. However, he proceeds to argue, all this is very bad, and it could not be so if we had a pure Church. Then the clergy would proclaim those sufferings in the ears of the civil ruler (p. 32). Then the pure Church would "with eager and urgent zeal have pleaded, clamoured, threatened" in behalf of the poor; would have inquired and ascertained what descriptions of employment were too severe for a Christian life; and would have issued stern prohibitions, enforced by spiritual censures, against any who should engage in them, as well as against the wealthy oppressor.

\* 'The Perils of the Nation.' London, 1843.

39. Now it must be recollected that by a pure Church, Mr. Ward means throughout, not a church in a state of ideal excellence, representing the perfect image of our Redeemer, but the actual Church of Rome. Let us turn, then—for we are delighted at length to find Mr. Ward upon the *terra firma* of allegations of fact, which may be grappled with and put to the test—let us turn to the lands where his pure church “energises,” and let us see how she manages the matter of factory labour. First, however, observe, that the test to which we shall resort is the length of that labour, for it will hardly be pretended that in regard to ventilation, to security, or to other accessories, the factory labour of England is more unhealthy than that of other countries. We invite, then, Mr. Ward to cross the Channel into Roman Catholic France, and to consult, not a book of popular declamation, but the Report made by M. Delambre, the head of the department of manufactures in the office of the Minister of Commerce, during the year 1838. Here he will find, that the actual work of children is never less than twelve hours, and extends from that minimum amount to fourteen; while it is also reported to be not unusual for them, in the chief centres of manufacture, to work all Saturday night and Sunday morning.\* In England, at the same period, no child under thirteen could be employed for more than eight hours a day, nor any young person for more than twelve; on Saturday the hours of work were only nine; and, since that date, a new Act of Parliament has restrained, to six and a half hours a day, the maximum of labour for children.

40. But perhaps Mr. Ward will say that in France the

\* Horner on the Employment of Children in Factories, p. 28.

pure Church is still in fetters. Let us pass on, then, to Austria: and quoting from the same authentic work to which we have already referred, we obtain the following result:—

“The hours of factory labour in Austria are usually long, being frequently, in the factories in the interior, fifteen hours a day exclusive of meal-time, and not unfrequently seventeen hours.”—Horner, p. 105.

So that, in the country where there is no Jacobinism and no Protestantism, where the pure Church reigns alone, the factory labour is far worse than in France, as in France it is worse than in England. It happens, singularly enough, that semi-rationalising Prussia is the land in which has been fixed by law, for those who are commonly called young persons, the shortest term of labour, namely, ten hours up to the age of sixteen. But while it may be questioned whether even the letter of this law is, on the whole, more in favour of the young than the law of England, there is one characteristic of British factory legislation which casts the balance greatly in its favour, even as compared with that of Prussia. The common fault of such laws is that, in Mr. Burke's language, they want an executory principle; and this want has been met in England by the appointment of very able and humane men as inspectors of factories, without whom, we fear, mere paper legislation would not be of the least avail. In other countries, this security has not been taken.

41. England, then, we believe, stands in this matter above Prussia, but more above France, and most above Austria. Do we complain of the Roman Church for this? No; the spirit of Mammon is too strong for her, or for any

church on earth; but we complain of Mr. Ward, who, in his reckless crusade against the Church of his fatherland, heaps up a multitude of accusations so generalised as to defy scrutiny, and when incidentally he comes upon the groundwork of facts, can thus proceed in the most glaring contradiction to them.

42. In another place Mr. Ward intimates that, if we had a pure Church, it is probable that there would have been an ecclesiastical inquiry into the means by which we have acquired and by which we hold our Indian empire (p. 388); and the absence of power to institute such an inquiry, and to inculcate upon statesmen the obligation to be guided by its results, is another of the damning signs of the corruption and exhaustion of our Church. We do not stop to notice in detail the singularly aggressive views towards the State involved in this proposition; which seems, however, to be advanced by Mr. Ward almost as if its grounds were axiomatic. We doubt if the thirteenth century would have endured, or even if the author of *Unam Sanctam* would have propounded it. But, without resorting to hypothesis, let us again illustrate the determined onesidedness, and the unnatural partialities, under which Mr. Ward conducts his inquiry. He condemns the English Church because of tyranny, real or supposed, on the part of the English State towards the people of India. Of course, he has never heard either of the auspices under which Spain undertook her American conquests, or of the means by which she effected them.

43. But it may be better to recall to his attention a case which is modern as well as unambiguous. He has heard of African slavery and of the slave-trade. Let him recollect, and when he next writes let him for very shame

record, that his country, influenced, we must say, by its sentiments of religion, abolished that slave-trade in 1807, and extirpated slavery itself, at an immense pecuniary cost, in 1833; that no nation of Europe has yet followed the last example; that Great Britain has experienced the greatest obstacles in obtaining even the effectual recognition of the first; and that this accursed traffic is still pursued, with a desperate tenacity, by two nations, and only two. The homes yet open to the slave trader, where government and people alike combine to welcome him, are firstly, Brazil, where the pure Church of Mr. Ward yet sits enthroned; and, secondly, Cuba, where so absolute is her dominion, that not even for English residents is English worship tolerated. The Pope indeed, to his honour be it spoken, has condemned the slave-trade, but no more heed is paid to his anathema than to the passing wind; and as to the Church in Cuba, and the Church in Brazil, if they have raised their voices on behalf of the victims continually brought within their view, no echo of that sound has crossed the Atlantic. But it was singular enough that Mr. Ward, when he summoned his country and his Church before his judicial seat, should have entirely overlooked a series of transactions of which the fame has resounded through all quarters of the globe, which will long remain an indelible record of the high moral and philanthropic tone of Englishmen, and will go far with foreign countries, and with future generations, in the vindication of their character, even against the efforts of domestic detractors.

44. Again, Mr. Ward proves, to his own satisfaction, a total want of agreement between our Church government and that of Christian antiquity. And how? By showing that the Privy Council (in which the Archbishop himself

sits) orders the Archbishop of Canterbury to prepare thanksgivings for the births of princes, and to insert in the Liturgy the names of members of the royal family. To increase the force of his demonstration, he adds that the Queen, upon the petition of some Society governed by the archbishops and bishops, orders the said archbishops and bishops to require their clergy to make collections in their churches for the said Society! We cannot conceive how Mr. Ward contrived, nor how he chanced, if chance it were, to stumble upon three proofs (if such they must be called) so trivial and so irrelevant. But few words, we think, would show the reasonableness of these several kinds of injunction. Mr. Ward may indeed be a believer in the deposing power; and may think that the Church should have power, from week to week or day to day, to determine who is to be prayed for as the sovereign of the land. But we hold it most just that, so long as the Church is nationally established, the sovereign should, with the constitutional advice of the Privy Council, including the principal prelates *ex-officio*, be allowed to name those members of the royal family, who, on account of their proximity to the throne, are fit subjects for the special prayers of the faithful, or, in other words, who constitute the chief civil power of the realm.

45. But we pass from these paltry allegations to others which are more serious. He says that Bishops are by law compelled to institute to livings; they are appointed by the Crown; they cannot alter the Liturgy; nor ordain without subscription, and the taking of certain oaths; nor appoint to benefices, except in the character of patrons. He does not inform us how far different was their state, in the most important of these particulars,



before the Reformation. He does not tell us, and we doubt if he has inquired, how much more liberty the present Church enjoys in Austria and France. Has he inquired whether, in the latter country, any clergyman can open a school without the licence of the University, which is controlled by the Government, and not tied even to the profession of Christianity? Does he know that the civil power, both in Austria and in France, claims, and has an absolute and universal title, to step in between the prelates and their head the Pope; and that no papal brief, or bull, is valid without its assent? He has omitted to mention a privation of the English Church, more serious than any of the restraints that he has named: the inability to meet in Synod without the royal permission. Was it because he knew the ready retort that would be made by pointing out his pure Church in France and other countries of Christendom, placed in a similar predicament? \*

46. But towards the latter part of his work Mr. Ward enumerates the healthful signs in the condition of the English Church. He endeavours to prove the legitimacy of his position within her pale by alleging that she possesses the internal notes of Christian virtue. "There is one of these," he says (p. 575), "among the best of her members, that is never to be found among heretics and schismatics: it is the virtue of humility." He continues thus:—

"Now observe the position which they more and more assume: observe the whole language of humility in reference to our own Church, and deep reverence for the great Christian body, which is

\* See La Mennais' 'Affaires de Rome,' and a review of that work in the 'British Critic' for 1837 (vol. xxii. p. 261).

now becoming so common. Can there be a more signal contrast with the ground taken up by schismatics in various ages of the Church?"

47. We are not about to deny the possession of humility to the writers in the 'British Critic' or to Mr. Ward; but when we find one of a small section, who have very much isolated themselves, by some particular opinions, from the great body of the Church, citing the facility with which they censure that Church as a whole, by way of proving their progress in *humility*, we really are desirous to ask, is this bitter jest, or is it senseless earnest? We fear it is the latter: we could wish it were the former. For can words measure the infatuation of mind which this argument exhibits? Some Mirabeau among the aristocracy censures the vices of the nobles: a plebeian flatterer of the great denounces the turbulence of the people; and, according to the code of Mr. Ward, the humility of these worthies respectively is thereby demonstrated! According to ours, there is, among all the diversities of human affairs, no single situation in which pride and passion have a scope more free and perilous than when an individual of an order, placed in opposition to its prevailing temper, undertakes to delineate its faults. Mr. Ward may be perfectly able to prove his personal humility, notwithstanding his arbitrary and violent denunciations of his Church; but we protest against his being allowed, on his own behalf or on that of others, to prove it by them.

48. We are anxious to make it understood that we are far from professing to institute an examination of the whole work of Mr. Ward. It is a work that questions everything, and such a task would require hands more competent, and whole volumes of space. Neither, in

what has been said, have we attacked any class or party. We impeach the capacity of Mr. Ward individually as a public instructor, upon a question anterior to his particular sentiments; namely, the legitimacy of the whole process which he uses in their formation. His *organon* is bad: his rapidity and vehemence of censure, with a total independence of inquiry in some cases, and the most slovenly and slight inquiry in others, are so objectionable, that all classes and parties have a common interest in their exposure. Whether the Reformation were a blessing or not, whether the Church of England be incredibly corrupt to the very core or not, whether the Church of Rome be a pure and ideal Church or not, whether the priest of the Church of England be the proper person to announce these discoveries or not, it is important, even before all these things, that the principle should be maintained that those who judge without examining, in matters of high moral import, should be called to account; and that children—the demand seems not immoderate—should not strike a parent until they have heard her.

49. Neither are we of those who pretend to *optimise* upon the present condition of the Church, or who deny that there is infinite scope and space for her members to amend, not so much her as themselves, according to her true mind and type. And we fervently trust that all those, who have made themselves acquainted with Mr. Ward's numberless imputations on her, will remember that the faults of the accuser do not relieve the accused of their responsibility. They are bound to extract the honey of sound admonition from amidst the alien ingredients with which it is surrounded. It has been held, and, in our judgment, truly, that there is no censure, however rash, however careless, however violent, and

however, in the main, untrue, which may not yield advantage to the object of it, if he will welcome the invective as an instrument of spiritual assistance to him in the discovery of his faults. And indeed the living members of the Church have but slender excuse if they fail in this duty ; for they are liberally favoured, throughout the world, at the expense of the Church itself. Not only are we bound to admit that this book is characterised, in a very pleasing manner, by the absence of personal unkindnesses, but the follies and sins of men are not charged upon them : they are transferred bodily to the Church, as if hers were the one and only power that moved the vast machine of English society. Let therefore full scope be given to all that Mr. Ward has truly said of our sins, our negligences, our ignorances ; of the slight and perfunctory manner in which we discharge that great work of the government of the conscience ; of our deadness to the denunciations of Scripture concerning the perils of wealth, and the difficulties it interposes in the way of salvation ; of our insensibility to the Christian equality, or (should it not rather be said ?) the Christian superiority of the poor ; of our narrow and lethargic sense of Christian brotherhood. Let us combine with these repentance and humiliation for that sin which Mr. Ward has scarcely touched, but on which we think a reasonable reformer would have laid the very greatest stress—namely, our slowness to take advantage of those means of grace and discipline which the Church actually provides ; our neglect where she invites ; and even, alas ! our disobedience where she commands.

50. Mr. Ward conscientiously believes and contends (p. 54) that true duty requires us not to foster the delusions of national pride, but to expel them ; and that

though the exposure of defects may irritate our flesh and blood, yet it deserves our gratitude. In these positions he has our hearty assent. We rejoice that the time has come when, as a people and a Church, we are no longer to hug ourselves in fancied perfection. We acknowledge the vicious habit of this kind, in which we are nationally apt to indulge; but Mr. Ward's processes are no more than a vicious reaction from that vicious habit. It is, we think, a more excusable error for persons of this age and this Church, to resent an exposure of the faults of the Reformers, and a free scrutiny of the Reformation, than to deny to the Church what is generally considered to be the proof of her legitimate authority; with a contemptuous conciseness which overleaps and disdains inquiry; and, without the smallest examination, to pronounce a sentence, which scarcely any amount of examination could have warranted, against the Reformers, as men who had no vital consciousness of the truths on which they elected, and that in the midst of the fiery trial, to build their hopes of personal salvation. Nor could anything, as we think, but the strong delusion, which is the result of indulged bias and of untempered erratic intellect, have induced Mr. Ward not only to commit these errors, but to commit them in the very same volume wherein he has taught, in terms of flaming exaggeration, "the extreme sacredness of hereditary religion." The principles he has himself laid down will cause the strongest reaction against the licentiousness of his whole mode of teaching and of argument.

51. It becomes still more clear how Mr. Ward has succeeded in blindfolding his judicial faculties, when we compare with his mode of arriving at a judgment of the English Church, his very different mode of meeting

assaults upon the Church of Rome, or upon any of the particular practices she recommends or tolerates.

In one part of his work (p. 77) he considers the question whether the abuses of the English Church ought to be reformed upon the model of actual Rome, or according to that of more early and primitive times. The principle reason which he assigns—for we have nothing to do with others (p. 77), which he reserves—for fixing upon the former as a standard is, that the ancient system is one which cannot be reproduced or even realised by us (p. 78); whereas we may “study on the spot, if we will consent to follow a living example,” what we “can by no possible efforts rescue from the abyss of time.” Thus the nearness of the Roman system, not as to mere vicinage, but as to habits of thought, and “all the more essential features of our civilisation” (p. 78), and the consequent facility of learning and appreciating it, appear to Mr. Ward to constitute an “amply sufficient” (p. 77) ground for this determination.

But when the question is about what Dr. Hook has broadly termed the “Mariolatry” prevalent in the Roman Church, what becomes of all this nearness and facility? A singular change then suddenly passes over the spirit of the dream: and Mr. Ward then discovers “the incalculable obstacles in the way of a fair judgment, on people so unlike ourselves in every particular”!! (p. 82); and he declares, “on this subject I have really seen no evidence which enables me to have *so much as a bias one way or the other*” (p. 81).

52. Mr. Ward, it is fair to add, strongly deprecates the introduction of these devotions generally among ourselves: evidently, we think, as an economy, a condescension to the weakness and religious babyhood of the English people.

But on the system itself he has no evidence to supply so much as a bias. He who thinks that the proceedings of the English Bishops of the sixteenth century only find their parallel among the blasphemers of our Lord's divinity: he who pronounces that all the labours of all the sages of his Church in her defence are nothing worth: he who cannot even refrain from condemning the personal Christianity of such men as Ridley and Parker:—he has no evidence to form so much as a bias on the Virgin worship prevailing in the Roman Church. Alas! he has formed a bias that he knows not of.

53. We are not about to travel into the painful details of this subject. Those who are moved to seek information upon them may with great advantage consult the solid and useful volumes of Mr. Tyler.\* We know that this prayer has gone up unrebuked: *Jure matris impera filio*. We know what process was applied to those songs of the Divine Spirit which were put into the mouth of Holy David to be the perpetual treasury of the church's praise, and the vehicle of her solemn communion with her Lord: that for the name of the incomprehensible Jehovah was substituted throughout the name of the Blessed Mary; and that these devotions, so parodied, are proposed for the use of Christians. We know that there is a Bible in which it is declared, under the most awful sanctions, that God will not endure that his honour shall be given to another. But Mr. Ward has no evidence to "enable him to have so much as a bias one way or the other." This is the caution, of which we said it was not less singular, not less idiosyncratic, not less distorted and deformed,

\* 'On the Invocation of Saints,' London, 1842. And, 'On the Romish Worship of the Virgin,' London, 1844.

than his precipitancy. This is the caution which forces us to say, that to speak of having no bias is a mockery. Mr. Ward supplies us with the warrant for the assertion. For in another part of his work (p. 425) where he compares the corruptions of religion in Germany with those in England, his frightful climax is no less than this:—

“English ‘high-churchmen’ are in the constant habit of attributing to the most holy and mortified men, to St. Buonaventure, to St. Bernardine of Sienna, to St. Alphonsus Liguori, a close approach at least to positive idolatry: *what more fearful approximation to blasphemy against the Holy Ghost has the wildest German ever devised?*”

54. We, for our parts, sedulously avoid a question which is far beyond us; and, admitting and revering the high Christian virtues which were found in association with those awful acts; we refuse to ask or to consider whether the author of the Marian Psalter and the Marian *Te Deum* incurred, in whole or in part, as a Christian soul standing before God’s tribunal, the guilt of idolatry: but when the act is separated from the person, and we are told that the denunciation of the act, with the utmost plain speaking, as in its nature an act of idolatry, is a near approximation to the unpardonable sin, then we say the very first principle of Theism is called in question, and we are actually called upon to give up our Christian position, and had better at once travel back three thousand years, and begin again from the one truth, which we shall at least in the Patriarchal Church find in its integrity and its undisputed majesty—the Unity of God.

55. It is useless, and worse than useless, to tell us of the gradations of feeling in the minds of those who in-



vented these devotions : to theorise upon the possibility of their having applied the very highest known strain of the language of devotion to the creature, and yet, by some further projection of thought, maintained for themselves the relative position of the Creator. These are arguments which it seems to us would, if they tell against the denunciations of Dr. Hook, go with as much force to show that the condemnations of idolatry in Scripture had much better have been omitted from the sacred volume. Very just it might be to urge them, if it were proposed to deal out to St. Buonaventure the measure which Mr. Ward has dealt to the Reformers : but they are mischievously perverted, as well as irrelevantly obtruded, when they are used to prevent free censure, by competent and responsible persons, of those practices which in the exercise of their responsibility they deem obnoxious.

56. What then is the position of the churchmen of England as Mr. Ward would place them ? Suppose they acknowledge in the Roman Church great gifts and merits. Suppose they see that she has preserved a polity more compact and better organised than that under which they were born : that certain doctrines denied by some among themselves and with seeming impunity, are firmly and immovably established, not only as with us, in the hearts of the reflective and informed, but even in the current public opinion (so to speak) of the Roman communion. Suppose, further, that they expatiate freely on these and on other gifts : waiting and looking if perchance they may thereby arouse their own brethren to a godly jealousy.

Mr. Ward would have not only all this, but likewise much more than this ; and he would manifestly insist that, at the very least, this should be done without quali-

fication or counterpoise. Because the corruptions and faults of the English Church, which we see, are so great: and because the corruptions of the Roman Church, if any, are not under our view.

57. As between man and man this is the very dictate of pure Christianity. We are to dwell upon our own sins: we are not to presume the existence of virtues in ourselves, and at all events, without a morbid and elaborate self-depreciation, the introspective eye is to glance lightly over them: but we are to dwell upon the virtues of others: we are to touch gently, or, if no positive duty calls, we are wholly to let alone their defects.

But great force lies in that condition,—if no positive duty calls. Suppose a father perceives that his daughter's affections are rapidly fastening themselves upon one whom, notwithstanding many apparent or even real excellences, he yet knows to be tainted with such vices as to render him an unfit and dangerous guide through life, it will be his duty to warn her against the attraction; to expose with an increasing force and plainness, in proportion as the seductive power may become more formidable, the faults of character; and if she retort upon him, that in his house she does not find the extended sympathy she needs, that his temper is phlegmatic and his acquirements limited, it is his duty even so far to extol himself in respect of his guardianship over her as to make her feel her security, and comparative blessedness, in the house where God has placed her. Nor is he, acting sedulously and conscientiously within these limits, to be reproached either with want of charity, or with surfeit of pride. He may feel the dangers to his personal humility of the duty he is undertaking: but he is bound to persevere, and to believe that, like all dangers which really belong and

attach to duty, they will be neutralised and averted in its discharge.

58. Now, how stands the Church of England with regard to this subject? She is brought into close practical conflict with the Church of Rome: assailed along the whole line of her battlements by a motley crew, amongst whose parti-coloured devices the ensigns of the Papacy occupy a conspicuous place. The allegiance of her children is solicited by every public and by every private effort: is she not to watch for the souls placed under her care? Is she not to tell them of the perils which they will incur by going astray? Is she to allow their minds to fester and corrode by morbid contemplation of the evils they see around them, to suffer them to grow ripe for defection in their ignorance of evils heavier but more remote, and is she not to make use of her longer sight, and her hoarded experience, to warn them against partial judgments, and against the rosy fruit which turns to ashes in the mouth?

59. No, nothing of the sort, says a voice from within the camp, the voice of Mr. Ward:—

“We cannot possibly desire the prosperity, or lament the adversity, of a religious community which prominently upholds corrupt and superstitious practices: the difficulty is, how can we reconcile it to ourselves to attribute so serious blame to societies which we acknowledge as Christian churches.”—P. 121.

Was there ever a writer, of whom it might be said with so much precision as of Mr. Ward, that while he brought the bane, he brought also, in the exhibition of his own glaring inconsistencies, the antidote? He cannot desire the prosperity of a religious community which prominently upholds corruption: yet he tells us over and over again

that the Church of England has been unfortunately committed, and that for three hundred years (p. 72), to a system of the most incredible corruption; that she has totally neglected the rich and the poor alike, morality and doctrine alike, and that by her authoritative teaching she sets herself against the holiest practices of the Christian life (p. 76): and yet he also tells us over and over again that he is thoroughly loyal to the Church, cannot abide half-hearted allegiance, thinks it his duty to make her the one great sphere and centre of his energies (p. 54), and finds everything throw him back on the course of action which natural affection would of itself suggest, "the making our own Church the one great centre of thought" (p. 93). He fixes his affections upon her, and only on the rest of the Church through her (p. 68), which at least implies desiring her prosperity.

60. And again he complains, in the passage we are examining, of the imputation of so serious blame to societies which we acknowledge as Christian Churches, and he thinks it wonderful men can act so much in contradiction with themselves. He at least has no cause for wonder. At the very worst, they are simply following his example, and at a respectful distance. He has imputed certainly the most serious blame to the religious society to which he belongs; an abyss of corruption, evils "fearful, imminent, destructive of the very life and essence of a Church" (p. 72), corruption to the very core, so that "the generally received form of religion among us is another Gospel, which is not another, for it is no Gospel at all" (p. 61). And yet he not only owns her as a Church in name, but (as we have already seen) directly declares her spiritual powers and character; as being to us "the visible embodiment and channel of our Lord's presence" (p. 68); "be-

cause through it we were born again, and because through its ordinances we obtain communion with Christ" (p.102); and because, unlike Dissenting communions, "our Church is a channel of Sacramental grace" (*ibid.*).

61. [Again, Mr. Ward is scarcely less harsh towards the nation than the Church. He invighs with a severity, in some respects it may be just, against the intrusion of the sentiment of nationality into our religion. But while we join in deploring the degree to which nationality has, or once had, become with us an element of religion, we think it is but reasonable that Mr. Ward should have some patience with his fellow-countrymen on that score. And although he has quoted an admirable passage (p. 90) from "a friend," upon the distinctions of national character, we do not think that he either understands or has been at pains to understand their history, or their character, in their bearing upon his subject. Whatever be the precepts of Christianity with regard to individual submissiveness, there are none which render it a duty to undervalue national independence.

62. But setting aside for a moment the question of religious truth, it is not a little remarkable how often those periods of the history of England in which it has had the closest relations with the papal See have been periods of disgrace, and how often those in which it has retrenched and repudiated the enormous claims advanced by that See from time to time, have been marked by brilliant reputation and by high prosperity.

63. Let us take for example the time of John, where we find the papal grant of the Crown connected with feebleness abroad and oppression at home; and the time of the third Edward, when very strong measures for the restraint of the papal prerogatives were contemporaneous

with unexampled military renown, and with the enactment of laws highly favourable to the liberties and to the general advancement of the people. A contrast not less remarkable is presented by the reigns of Mary and Elizabeth in their relation to national glory. With regard to the latter, it is hardly requisite to particularise. As respects the former, we take the following illustrations:—In the reign of Mary, says Mr. Hallam, we find mention of the use of torture more frequent “than in all former ages of our history put together.”\* She imposed a tax on foreign cloth without the consent of Parliament; “an encroachment,” declares the same historian, “unprecedented since the reign of Richard II.”† Notwithstanding the obstinate resistance of her Council, she forced the country into a war with France. The consequence was, that we lost Calais, after a possession of two hundred years: a place which, according to Hume, “was regarded as the most important possession of the Crown.”‡

64. The last occasion on which we have seen the throne in alliance with Romanism was during the latter part of the reign of Charles II., and during the brief and ill-omened sway of his brother James. But this also was the period when, *inauditum nefas!* the sovereigns of England were the pensioners, and, of course, the tools of France. Nor was this occasional and accidental, upon particular postures of affairs. It was systematic. The ambassador of France was (so to speak) the first minister of England; and when Charles had been seized with the illness which put a period to his unhappy life, Barillon, upon learning that it had assumed a fatal character,

\* Hallam's Const. Hist. vol. i. p. 57.

† Hume, vol. iv. p. 437 (Ed. 1793).

‡ *Ibid.*

repaired immediately to Whitehall, and was met by the Duke of York on his arrival with this speech: "*Les médecins croient que le Roi est en un extrême danger: je vous prie d'assurer votre maître qu'il aura toujours en moi un serviteur fidèle et reconnoissant.*"\* It is totally impossible that some account should not be taken of these things, that they should not leave deep impressions upon the mind of a high-spirited people.

65. No doubt it will be said, and said truly, that these circumstances do not determine the ecclesiastical question whether the different churches of Christendom should or should not be bound in one communion. Certainly not; but they show that which Mr. Ward appears to have entirely overlooked, that the insular element, imported into our religious notions, is not historically ascribable to an over-cunning reliance upon our own judgments in religion as distinguished from those of others; but that a jealousy of the See of Rome, caused by its experienced influence upon our social and political position, has by a necessary, if unfortunate association, formed an ingredient, and with the mass of men a potent ingredient, in the mixed feeling which presents an aspect so hostile to the Papal See. And let it not for a moment be supposed that these statements are now prescribed as a solution of the case: if they were so, we should be chargeable with that neglect, that apparently contemptuous neglect, of history, which we impute to Mr. Ward; we present them as one portion of a large and complex whole; and we again complain of the summary processes by which, in obedience to internal impulse, our forefathers and their rulers in Church and State are condemned without the slightest

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\* Appendix to P. I. of Sir J. Dalrymple's Memoirs, p. 91.

presumption vouchsafed to the public that the judge who pronounces the sentence has heard the evidence.]

66. As to the character of England and her institutions, Mr. Ward has recklessly overlooked some of their most striking features, which ought to have exercised very important influences on his judgment. His charges against the Church turn, in a remarkable degree, upon the want of methodised teaching and of systematic discipline. He was never struck by the fact that a nation, which is by universal confession one of the most powerful and distinguished in the world, is nevertheless in civil and social, as well as religious matters of practice, one of the least systematic; that it trusts more to personal character, and less to external law. Let us take for examples three most important departments; those of law, education, and commerce.

67. The laws of England are renowned throughout the world for securing to the subject the greatest degree of liberty in combination with public order; but the scientific eye perceives the want of codification, and the pedant would pronounce other nations far more advanced in their civilisation, because their system of jurisprudence, collected and arranged, presents a show of good government, which no one would antecedently presume could be realised out of our chaos of equity, canon law, common law, statute law, and judge law.

68. So with respect to education. In this country it is, technically speaking, much less advanced than in others. As far as the upper or governing class is concerned, it appears almost to be picked up at random. The range of regular instruction in our public schools and universities at once suggests the reflection against itself, that it is extremely narrow. And yet notwith-



standing, the result is, that the Englishman as such exhibits perhaps greater vigour of practical understanding than the native of any other country, whether as soldier, sailor, merchant, farmer, artisan, or in any other capacity; while it is still more notorious that the members of the English aristocracy are as a body (not what they ought to be, yet) the most distinguished in the world for energy of personal character.

69. In commerce this is yet more conspicuously true, because England is confessedly, and beyond all comparison, the first commercial country in the world. Yet nowhere is commercial success so much the result of personal industry and enterprise, nowhere does it depend so little upon law, and upon such stimulants or such controul as it may be in the power of the executive, or of municipalities, or other public bodies, to administer. Look to France, and to other Continental countries; compare the amount of efforts made by their governments with those of ours, the infinitely elaborate contrivances which they have devised in order to commercial success, the *Conseils de prud'hommes*, the schools, the associations innumerable, the regulations infinite; and then take the fact that, according to a return which has recently been published, the mercantile marine of England exceeds by six times that of France, and nearly equals that of all the rest of Europe. So that we appear to gain by haphazard what others obtain, sometimes less effectually obtain, by system; or rather, we seem to have indications of some general law, indicating that the English nation, as a nation, have a strength of individual character among them, which enables them to do for themselves by free choice, energy, and judgment, much that in other countries, except for the interference of public authority,

70. Mr. Ward may rely upon it that these observations, which might be greatly extended, have their force with reference also to our ecclesiastical system. We do not give them as an answer to all complaints, nor say that we may dispense with Church laws, or pastoral government, or spiritual direction, any more than with laws, government, and direction in the state. In truth, there is one great instrument of government which, however, it may be estimated by Mr. Ward, is here more freely and fully used than in any of the countries on which he has fastened his sympathies; we mean the Holy Scriptures; a source of death to the sceptical and the disputatious, but a repository of the purest and most abundant food to those who resort to them in singleness of heart. We do not entertain a doubt that there prevails among us, to a very great extent, the use of Scripture by individuals of all classes for the government of life and conscience, guarded only by prayer and the insensible controul of the teaching of the Church. Undoubtedly this is, to a great extent, government self-administered, but government self-administered, and yet true, in all its departments is one of the most remarkable characteristics of Englishmen; and a man might as reasonably conceive that the amount of disorder in England and France respectively would vary inversely with the numbers of their respective standing armies, militia, and police, as conclude that the human conscience was doing its work in each of these two countries just in proportion to the number of books of devotion, and the detail of spiritual exercises, which are in use among the clergy and the people.

71. Mr. Ward ought to recollect before he draws us to those awful conclusions which he has propounded concerning, not the inadequate fulfilment, but the total

abandonment by the Church of all the principal purposes of the institution, that we must take our stand upon results, and use them not as a reason against efforts to learn more adequately the strength which is derived from system, and to abate our besetting sin of pride, but as a test and a confutation of his overcharged and morbid judgments. When we have learned from him that the social ties are gone, that care for morality is gone, that care for dogma is gone, and that "indifference to the central verity of the Gospel," the divinity of our Lord, "is prevalent among us to a fearful extent" (p. 405),—for even to this height of discovery has Mr. Ward ascended,—we shall naturally ask, is it then true that this country is so much more corrupt and profligate than the rest of Christendom? Is the personal conscience less active and acute than elsewhere, the sense of responsibility less lively? Is that venerable symbol *ought*, and the sentiment it indicates, less powerful, less operative upon human action, here than elsewhere? Are the great elementary principles of duty less understood, or less familiar, or less dear? The task is odious, but Mr. Ward drives us to it; and we ask, Are we the teachers of France and Italy in the sins of the flesh, or are they ours? And which way flows the tide of unbelief? Are the sense of truth and justice, respects for the rights of others, the sacredness of the marriage tie, the majesty of the oath, honesty and integrity in dealing, and care for the poor—are not these still among us as the household gods of the people?

72. Not, indeed, as they should be; not in proportion to our light and our responsibility; not in proportion to our knowledge of the Word of God, and our access to His ordinances in His Church; but so and in such a sense

that Mr. Ward should have weighed them well before he determined to allege the degradation of the people as proving the diseases and pollutions, and the all but utter apostasy, of the Church of England. National sins we have enough ; but nowhere, it is our firm belief, are the foundations of Christian morality more securely laid in the elementary perceptions of the people than in this island of the free, the true, and the brave. Nor is it in the presence of Mr. Ward, and in a review of his work, that we will dilate upon those sins. The proper occasion to denounce the sins of England and her institutions is before those who are intoxicated with an overweening idea of their virtues. But if it be true that upon the whole the conscience of man, hard and dead though it be among us, is not more hard or dead than elsewhere, Mr. Ward must be aware that the imposing array of methodical discipline that the armoury of the Roman Church supplies, whatever it be in itself, is utterly worthless for the aggressive purpose to which he has turned it.

73. The strength of Mr. Ward's case for the Church of Rome is placed by him in her Saints, and saintly men. These, according to him, are the luminaries from whence truth radiates through the world : and they are the special and almost exclusive possession of the Roman Church. Yet, singularly enough, Mr. Ward declares (p. 89) that of two orthodox Churches there is no reason why the one, which is purer, should be more prolific of Saints than the less pure. However this may be, we cannot admit that the institution, which produces the most brilliant specimens, is necessarily the most faithful to its general trust ; any more than the age which produces the greatest men is necessarily the period of the greatest happiness for the people. It may be true that

much remains to be done among us in the way of provision for treading the path of Christian perfection, and for the diversified wants of those deeper souls, whose more than common need calls for more than common appliances. But we doubt whether Mr. Ward has considered how many truly saintly characters are reared among us by the Divine Grace in the shade of poverty, and upon the bed of affliction, that never attain to notoriety.

74. At all events, before we give such exclusive scope to the admiration of the virtues of saints in the Roman Church as to deny the prerogatives of our own spiritual mother, we must examine very fearful questions on the right hand and on the left; namely, whether the practical system of Rome places, to no small extent, the Blessed Virgin and the saints in the stead of the adorable Trinity, and whether her scheme of pardons and of purgatory tampers with the very first principles of duty, and of moral choice, in the minds of the mass of Christians. No doubt the breadth of her dogmatic confession is bold and imposing; but what reflections does it suggest as to the ultimate tendency of her apparent rigour, when we look back to that scandal which was revealed by the celebrated decree of Zurich;\* again, when we find Mr. Blanco White (whom we take simply as a competent witness to matter of fact) declaring of his own knowledge that the greater

\* Father Paul's 'Hist. of Council of Trent,' B. 1. "Che ogni prete fosse tenuto ad aver la concubina propria, acciò non insidiasse la pudicizia delle donne oneste" (p. 18, ed. 1629). The same author cites a document presented by German Theologians of the Roman Communion to the Emperor, in which it is declared that "di cinquanta sacerdoti Cattolici appena se ne trova uno, che non sia notorio fornicario" (B. viii. p. 841, ed. 1629).

part of the clergy of Seville, where he himself resided as a student and as a priest, were *Deists*; and when the organ of the Roman party in this country\* has too much reason to believe that his statement was by no means destitute of foundation!

75. We have undertaken at such length the painful task of impeaching, from the internal evidence of his book, Mr. Ward's competency, in his present frame of mind, to argue and to judge upon the very solemn matters which he has handled, that we cannot think of entering upon the discussion of the numerous propositions he has advanced upon their own merits; and we have endeavoured to supersede such controversy on this occasion by showing, that there can be no satisfactory discussion of these or any other like subjects with a writer, whose whole mode of operating is so vitally unsound.

Still there is one of his assumptions against which we must enter a passing protest. It is this. He alleges that Anglican divines justify the English Reformation "on the single principle" (p. 117) that a local Church is at liberty to repudiate the doctrine propounded with one voice by the Catholic Church for acceptance. And this—it is but another example of his deep and impenetrable delusions—this he quietly and unsuspectingly declares "will not be denied!" In conformity with his assertion he declares again that the Church of England remains separate from all the remaining Catholic body (p. 117) on the ground of the very grave and serious doctrinal errors which she imputes to it, and which it maintains as truths necessary to salvation.

76. Now we would ask Mr. Ward to state—

\* *Dublin Review*, vol. xiii. p. 343.

(1). What are the doctrines denied by the Church of England, and enforced by the rest of the Catholic body as truths necessary to salvation?

(2). How he proves that the Church of England refuses communion at all to either the Oriental or the Roman Churches?

(3). Where he has learned that Anglican divines, from Cranmer downwards, defend our Reformation, either exclusively or even in any manner, by alleging that a local Church is at liberty to decline following the regular judgment of the Church Universal upon matters which are of faith?

(4). How he can show that a local Church is not free to follow her own course in matters indifferent?

(5). In what manner he would have acted in the great controversy of *Athanasius contra mundum*: upon what arguments he can justify the resistance of the Catholic minority to the prevailing Arianism; or how he could have replied to those who, alleging the authority of the Synod of Ariminum against the Homocousion, should have pointed also to certain passages of Holy Scripture and should have declared that the Church had "developed" out of those passages the doctrine of the exclusive Divinity of the Father?

To this last question he has given us an answer: it is, alas! that not of the Christian divine, but of the dreamer and the fanatic; personal experience (p. 574) is the ground on which he founds and justifies the resistance of the orthodox; a test alike available for Athanasius, for Arius, for Luther, for Münzer, for Fox, for Swedenborg, for Joanna Southcote, and even for the notorious Joe and Hiram Smith.

77. (III.) We have spoken already of Mr. Ward's *organon*

as a bad one; and it may seem incumbent upon us, after the foregoing review, to endeavour to connect so many phenomena of error by reference to a common principle. We appear to ourselves to perceive this *desideratum* in a certain new philosophy of which in this work he appears as the inventor, and which is first announced under the title of "the absolute supremacy of conscience in moral and religious questions," and afterwards with a slight variation of terms, "in the pursuit of moral and religious truth" (p. 44).

No doubt conscience is supreme in all matters of moral conduct, including the search for truth; so that even the statement is a truism. But this does not exclude argument and the legitimate use of the understanding upon questions of conduct; and it is no sufficient answer to reasoning drawn from Scripture, reason, or authority, on a question of conduct, to say "my conscience teaches me so, and there is an end of it." We must submit to have matters of conscience handled by reasoning or by authority, and though we are to protest against sentences of the understanding on matters beyond its province, as, for example, upon absolute dogma, yet even there we must not decline to allow the examination of secondary proofs. Conscience may be the ultimate judge of argument, but this affords no plea for declining to hear it; and to admit such a plea is not to honour conscience, but to allow fancy, humour, obstinate licentious will, and Satanic temptations, to enthroned themselves in its place. The subject is not less extended than deeply interesting: but Mr. Ward has narrowed it to a certain degree by pointing the discussion chiefly towards a single question, namely, the course to be taken with respect to the claims of conflicting religious communions upon our allegiance.



78. His general canon we understand to be this: act honestly, freely, unsuspiciously, upon your own actual convictions, such as you have received them, casting away all doubt; do not desert them until they desert you, until they break down under you and force you to seize hold upon other helps: act thus, exercising at the same time all moral habits which are recognised by your creed, and you will reach the truth at last. Do not examine doctrine itself, nor the external proofs of it; nor yet examine the authority of the teacher of doctrine; but *feel* doctrine, apply it to your affections, and according to the sense of sympathy or revulsion which results from time to time, adopt or refuse it. Upon this ground he will not have men join the Roman communion until they feel that they have an "unmistakable" (p. 570) call from God to it; neither will he allow that Dissenters ought to be summoned to come into the Church. We can know the system in which we live; of another "we can really know nothing" (p. 510); the former must not then be quitted for the latter without some singularly plain and indubitable reason. This he presently explains into the position that we are to remain with the body which has trained us "as long as we are able to repose unchanged confidence in it" (p. 510).

79. Mr. Ward is, we think, aware that he is attempting to overturn the methods which the Church has ever sanctioned and pursued in seeking the conversion of heretics or of heathens. Let him turn to the early development of those methods in the writings of St. Augustine against the Donatists; and, for example, in the treatise 'De Utilitate Credendi.' Its author firmly impressed the principle "*non prius ratione quam fide te esse docendum*:" or, as elsewhere, that we must believe in order to know, and not know in

order to believe. Yet he fully admitted that of these positions themselves proof was justly to be demanded: and those proofs he supplied by showing the validity of the Church's credentials, a matter fully cognisable by the human understanding, but not requisite to be investigated by each for himself, more than it is requisite for every British subject to have heard the Queen's assent given to the laws, in order to be bound as a reasonable being to yield them obedience.

But Mr. Ward,—strangely bitten, as it seems to us, with the spirit of the age, and owing far more of his mental culture to Mr. John Stuart Mill than to the whole range of Christian divines, with the exception of Mr. Newman—(the print of whose footsteps he in this part of his course follows and deforms)—Mr. Ward repudiates this world-old philosophy; and in its stead he launches upon the great deep of human controversy as frail a bark as ever carried sail.

80. Far be it from us to deny that obedience is one principal means of attaining to truth. "He that wills to do His will shall know of the doctrine whether it be of God." But the promises, which belong to each instrument when all are duly used, cannot be claimed in favour of one among them when it is made exclusive. Nor is it for obedience to the truth that Mr. Ward claims privilege. The true doctrine is, we conceive, "Act upon Christian principle, and you will come to believe it: act upon what is true in itself, and it will come to be also apparent or true to you." But for this our author substitutes, "Act upon what you believe, and you will come to Christian principle: act upon what is true to you, or apparent, and you will come to what is true in itself." There cannot be a clearer opposition.

81. Again, Mr. Ward teaches that holy men are the fountains of truth, and this he denominates a canon of unspeakable importance (p. 517). How radically does he differ from St. Paul!—"Though an angel from heaven preach any other gospel unto you, let him be accursed" (Gal. i. 8). Doubtless the conscience is, in its office and capability, the highest of all our faculties; but in the very same proportion the pretence of conscience is dangerous; and the question arises, When you have invested the conscience of the individual with a moral right to judge the creed of the Church, what security have you that the function shall be discharged by that power to which you have assigned it, acting within the limits of its own proper inward sphere?

82. The peculiar difficulty attaching to this function of conscience appears to be the want of a criterion. Each person is his own witness and his own judge, and his judgment is essentially of that supreme kind that does not assign reasons; for, if reasons be assigned, this step lodges at once an appeal to the understanding, which, in the eyes of Mr. Ward, is the very highest misdemeanour. And here an important difference at once presents itself to view. If you admit that the understanding may legitimately be employed, in its due relation to other faculties of our nature, about the consideration of Divine revelation, you so far lead each man to use a process, his use of which will be cognisable by every other man; so that, if he err in the use of it, there will be certain acknowledged means of detecting and exposing the error. Pride and passion may pervert his reasonings; but these intruders may be traced along the chain up to its commencement, and so the perversion may be laid at the door of pride and passion. Or the original principle, on which the whole depends,

may lie beyond the reach of the understanding; but even then the understanding will be of great use in detaching from it what is extraneous, and in substantiating by collateral evidence its claims on our belief. But to say, the individual conscience is the criterion of truth, is not only to set up the principle of private judgment, but to surround it with new and impregnable outworks, and to establish it in such an absolutism as it has probably never before entered into the heart of a Christian writer to devise, because this theory not only permits and authorises, but certainly encourages, and perhaps compels, each person to disclaim all reference to the judgment of others, to refuse the helps which an erring creature derives from the scrutiny of others for the correction of his errors, to shroud from examination his inward persuasions, and to find in the fact of their existence the charter of their legitimacy. Indeed Mr. Ward in one place calls his principle that "of doing what we think right because we think so" (p. 508).

83. It is obvious, indeed, to say, that the theory supposes each man to be humble, earnest, self-denying, and full of prayer; and that according to it holiness, not the pretence of holiness, is the only ground of belief that can acquit a man of his responsibility before God for believing right. But still we are met by the most serious difficulties. Men, who are not holy, will believe themselves in many cases to be holy; and men, who are holy, will in many cases believe themselves to be not holy. The first proves that the theory will not work in certain instances; the second seems to go further, and to indicate a radical fault in it, for it appears to teach that our belief in the mystery of the Incarnation, for example, is to depend upon our having already realised that truth by the corre-

lative process to it appointed for us, and having become, in the language of St. Peter, partakers of the Divine nature. But when it is considered how long, and arduous, and doubtful is very frequently the struggle between sin and grace in the mind of the Christian—what stages of conflict, nay, frequently what reverses, are to be passed through, before the soul is finally established in the consistent practice even of an elementary righteousness—is it not perilous to hold out to mankind, as the true theory of religious faith, that they are only entitled to believe in proportion as they have realised, while of course they can only be said to have realised what they have carried into something of the nature of consistent and permanent practice?

84. If no other faculty except a spiritual intuition is to support our creed, what is to become of us in those moments of existence when the dark clouds of some mortal sin blot out the whole heaven from view, or when faintness and languor of spirits, and mental perplexity, open a door to the temptations of scepticism? For Mr. Ward may rely upon it that, whether or not he will allow belief to appeal to the understanding, unbelief will appeal to it. Now he has charged it upon those against whom he argues, that in their view belief ought to be proportioned to evidence (p. 486). Has he himself fallen into a snare less deep when he contends that belief is to be proportioned to holiness? Has he less exalted a half-truth into a whole one? Has he less cured error by error, and abashed one extravagance by presenting to it another? For according to him, or rather according to his arguments, that belief, which to meet the diversity of our needs should cast its anchors deep in every faculty of our nature, must depend only upon one; upon that one

which, though capable of becoming sovereign in fact as it is already sovereign in right, yet is nevertheless actually too often among the weakest; so that we may not bring in the rational mind to help the infirmities of the spiritual one, and, unless at any and every moment we can embrace revelation by the pure force of holy sentiment, any aid to be derived from our mere convictions is illegitimate, and we must fall.

85. But again, each man is to regard his conscience as the criterion of religious truth. Now if to this were to be added that his conscience must be rightly informed, the principle might not be an unsafe one. But then it is obvious that such a qualification opens a door to the entrance of the understanding upon the discussion of the subject-matter of belief, which it is Mr. Ward's purpose to prevent. Without such a qualification, this theory is, as we must again assert, only a more subtle and a more dangerous enunciation of the principle of sheer private judgment. Even as a murderer for religion—say, for instance, an assassin of Cardinal Beaton or of Archbishop Sharp—is more difficult to bring to repentance than any other murderer, so a heretic who has reached his heresy through Mr. Ward's system will be more hopeless than any other heretic, because he has done evil under the notion of good; and the very faculty which ought to have assisted him to detect his iniquity is become its cloak. Every case under that theory would become that of the Quaker called upon to pay church-rates. He is doing wrong, and he is more obstinate than any other person in doing that wrong; and why?—because he has been told he must make the immediate impression of his own conscience the sole criterion of duty; and that immediate impression is against his paying the rate. The

act in his mind may be pure or impure, but great is the responsibility of those who furnish such a plea.

86. If we attempt to examine the form which such a theory would practically assume, we may present such a sketch as follows. It would with great rapidity become generally operative; and not only upon those whose conscience has been exercised by a sense of sin, because all men have a will, and all men who think will, with few exceptions, which may be put out of the account, consider themselves to have a conscience entitled to act under the system of Mr. Ward. Where there has been no awakening process of religion in the mind, the operation will be just the same as if for conscience we read understanding, because the worldly mind makes to itself a kind of conscience in following the dictates of the worldly sense, and calls this "doing what it thinks right."

87. This is no very brilliant result; but yet more of substantive and appropriate evil would follow in the case of the awakened mind; for the mass even of conscientious Christians, it will be admitted, have but little of the gift of spiritual wisdom, which appertains rather to them that are perfect (1 Cor. ii. 6); to a very advanced stage of sanctity. It may readily be understood that where this wisdom, in the sense of St. Paul, exists, there the conscience is not only the main support of belief in the individual mind, but likewise an authority in its degree even to others. But of the generality, even of religious men, little more can be said than that their will is set upon the whole towards the observance of the laws of God: and there are ten thousand degrees of acuteness and comprehensiveness in their vision—of intensity and fervour in their desire. Are each of these men to apply spiritual truths to their own internal state, and to make that state

their touchstone? If not, Mr. Ward has said and done nothing; but if so, is it not plain that the souls of men will be more and more buffeted and bewildered by Satan, because they will employ the crudest spiritual faculties for the decision of the highest spiritual questions? and this, humanly speaking, without a chance of retrieving the error, inasmuch as they will do it under the impression that they are pursuing the appointed mode for the attainment of religious truth.

88. Bossuet pressed the Lutheran theory \* hard with the reproach that it makes repentance the essential pre-requisite of pardon, and personal assurance the necessary concomitant of pardon, while it yet admits that there cannot usually be a personal assurance of repentance; thus building certainty upon doubt. Does not Mr. Ward commit an analogous and equally fatal fault, if he says belief is to be tested by conscience? Because belief can only with propriety be termed such when it is certain: but such a purity and expansion of the spiritual nature, as alone can render it a safe test of religious tenets, is not only not certain, but is exquisitely rare, and, in the individual case, almost infinitely improbable; and, therefore, the faith which ought to be, and except under peculiar temptations is, as a rock even to the immature Christian, must be built, according to the scheme of Mr. Ward, upon a quicksand.

89. Mr. Wordsworth, indeed, has told us—

“But, above all, the victory is most sure  
For him who, seeking faith by virtue, strives  
To yield entire submission to the law  
Of conscience.” †

\* ‘Variations,’ B. i. chaps. 9–18.

† ‘Excursion,’ B. iv.



We, however, discover here no supplanting of the function of faith by that of practice—no recognition, in the novel sense now under view, of the supremacy of the private conscience; but on the contrary, an assumption of the homage of obedience as such to belief as such, and the very highest exercise of faith conveyed by obedience as a medium. And for this reason; that the seeking dogmatic faith through virtue is a process founded upon moral faith, upon the firmest belief—first, in the divine constitution of human nature, which God has ordained to be built up by habits, and not by impulses; secondly and chiefly, in the character of God himself, as of a God who will lead in safety and aright those that when their eyes are too weak to discern spiritual objects nevertheless trust themselves in blindness to the guidance of His hand. They know that in so doing they are expressly refusing to bring down His lofty truth to the standard of their inward meanness, and resting rather on that conviction of His goodness which, whatever Mr. Ward may say, is a result reached by the combined and harmonious operation of our rational, moral, and spiritual faculties.

90. In point of fact, we have never seen the subjective theory—the doctrine that truth is what a man troweth—presented in a more formidable manner than in the volume of Mr. Ward, and this especially because it is couched in terms that conceal its hideousness, not only from those who lightly peruse them, but, as we believe, also from him who has too lightly employed them; for we are persuaded that no man would anathematize that theory more readily or more sincerely than Mr. Ward.

91. Perhaps the best apology for his principle is that he has clogged it with an impossible condition. For he appears to promise guidance into truth by the tact of the

conscience, only where the person fulfils the moral law upon a scale far beyond the strength of a person in such a state. For instance, he supposes the case of one tempted to question the authority of Scripture (pp. 538, 539). For such an one he prescribes (by way of regimen) two years of "retirement and prayer and meditation." And he lays it down that an individual declining this sort of advice, and proceeding with his free inquiry, "must give up all claim to be considered a real seeker for truth." This appears to us like the device of a theorist, who anticipates the failure of his scheme, and prepares for himself a refuge accordingly. Ordinary persons, who by the supposition are not in possession of full religious privilege, are as incapable of ascending to these heights of obedience, as of examining in detail the historical and external evidences of Christianity. The plan, too, appears to us as applicable in principle to heathens invited into the Christian pale, as to Christians of a sect invited to come into the Church. But how are such persons to be assured that they have so fulfilled the conditions of the moral law as to be sure of the right guidance of their consciences? Nay, is not Mr. Ward unconditionally open to the objection that he is requiring people to make bricks without straw, and to perform an obedience in order to obtain grace, which they never can perform until they have obtained it?

92. Not that we for a moment doubt, that the spiritual nature of man ultimately becomes a living proof of the doctrines it has received : when the Spirit beareth witness with our spirit (Rom. viii. 16) that we are the children of God. But surely the internal evidence comes in the main after the reception of the truth ; and to make the duty of receiving it inwardly dependent on the judgment formed of it beforehand, is in plain language to

refer the taking of the medicine to the palate of the patient.

93. Mr. Ward announces that he himself acts upon the theory he recommends, and the result is indeed a startling one. He has not a doubt that if Theism be true, "St. Mary is the highest and purest of all creatures" (p. 501). The dignity of that Virgin, whom all generations have called Blessed, is immovably founded upon the rock of Holy Scripture. But to place his particular and somewhat bold definition of it upon precisely the same footing of certainty as the being of God, and to announce to the world that there is no God unless the Blessed Mary be the first among created beings, appears to us a course much more calculated to undermine faith altogether, and bring it into mockery, than to make converts to the philosophy propounded by Mr. Ward.

94. IV. We have lastly to offer some suggestions touching upon those very grave questions of ecclesiastical allegiance, which the work of Mr. Ward has brought into general and keen discussion.

We shall not, however, attempt to solve the problems which may attach to his own individual case: in the first place, because it is not our function to pronounce upon the special obligations which belong to him as a clergyman and a member of the University of Oxford, especially when it is known that the academical question, at all events, is to be made the subject of judicial consideration: and secondly, for the very plain reason that, though Mr. Ward has spent six hundred closely printed pages in the elucidation of his position, we are not able clearly to comprehend it; and we even doubt whether he has defined it to himself. Various passages indeed, which we have quoted,

might appear to set the question at rest, and to show that Mr. Ward fully recognised the authority of the Church of England, although he disliked many of her injunctions, and her practical system as a whole: and, therefore, that remaining within her pale was a matter of plain and clear duty, without alternative, until the Church should forfeit the character which he had acknowledged her to bear. But then we find him laying down, in the clearest terms, that the rival communion of the Papal Church in England is *not schismatical* (p. 131): and that any person in communion with the Church of England, who finds the invitations of the Church of Rome powerfully to awaken his spiritual affections and his conscience, may join her forthwith, *as a heathen would join the Church* (p. 571).

95. It passes our skill to find method and harmony in such representations; and we think Mr. Ward has need to explain these his explanations if he intends them to be intelligible to ordinary minds. Here therefore we part company with him; and in parting we must assure him that if we have written freely we have also written seriously; with deep pain, and we trust without any gratuitous assumption of judicial authority. Readers more dispassionate than either of us will judge between us. If we are accurate in our view of his methods of proceeding, what has occurred may, as we hope, be a warning useful to him in his future course; however incomplete; and however faulty, has been the execution of the task. If, on the contrary, his temper has been one of becoming caution and humility—if a sound philosophy has governed his views of men and things—if his investigations have not been slighter, if his sentences have not been heavier, than the case demanded of him—the censures we have pronounced will return upon ourselves, and

it will involve us in a double guilt to have committed the very faults which we have used so much freedom in reproving.

96. But though we quit at this place the general discussion of Mr. Ward's book, we cannot put out of our view the disturbing effects which it is calculated to produce in various quarters: partly by whetting the appetite of men on all sides for violent measures—partly, as experience shows reason to augur, by giving a shock, especially among the young and uninformed, to the religious profession and belief of the ordinary members of the Church. With a view to the mitigation of this latter evil, we are prepared to contend that even those who may be influenced more or less by the sympathies which Mr. Ward has avowed for Romish opinions, and by his antipathy to the proceedings taken at the Reformation, are in no degree thereby released from their obligation to continue in the communion of the Church. If their private judgment prefers the religious system of the Church of Rome to their own, and even holds the union of the English Church with Rome to be necessary to her perfection as a Church, yet, so long as they cannot deny that she is their spiritual parent and guide ordained of God, they owe to her not merely adhesion, but allegiance.

97. And while pressing upon them that their conscientious obligations cannot be weakened by dislikes, nor even by any convictions which leave untouched her essential character and prerogatives, we must also maintain the correlative proposition against those who urge them by upbraiding to defection,\* or who call, as is the

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\* Such is the apparent meaning of the Bishop of Ossory in his 'Charge' (p. 210), and also of a passage in Archdeacon S. Wilberforce's very interesting 'History of the American Church' (p. 401): we say

wont of the more vulgar belligerents in the cause, for their summary expulsion both from offices held under special conditions (a subject which we leave *wholly* untouched), and *also* from the Church itself. The doctrine that such persons ought to quit the pale of the Church, in our view both drives them upon sin, and likewise constitutes an unwarrantable invasion of the liberty which the Church herself has intended for them: and we hold it a duty to resist every effort of individuals to draw the bonds of communion tighter than they have been drawn by full ecclesiastical authority among us.

98. It is not necessary to enter in this place upon the question, what is or is not consistent with Subscription to the Articles. For, in the first place, that is a matter for the cognisance of constituted tribunals. "The law is open, and there are deputies: let them implead one another."\* The subject is too grave, especially under present circumstances, to be considered except in full detail; and as it is out of our power so to deal with it, we hold it an absolute duty to refrain alike from pronouncing and from insinuating an opinion upon it, in the hope that it will be reserved entire for its proper judges.

99. In the second place, it is quite sufficient for our present space to discuss the case of ordinary membership, against which most of the prevailing clamour for expulsion, and most of the exhortations to voluntary secession, appear to be directed. The Articles do not stand among the conditions of simple communion in the Church of

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the apparent meaning, because we greatly doubt whether, particularly, in the latter case, so much was intended. On the other hand, Mr. Bricknell, in his pamphlet entitled 'Oxford Tract: No. 90,' distinctly holds that Romish opinions in general ought not to drive members of the Church from her communion (note, p. 10).

\* Acts xix. 38.

England. It was the abominable tyranny of the promulgators of the Solemn League and Covenant, which designed to make the reception of that instrument a preliminary to the reception of our young people universally to the altar of the Lord. A gentler and a wiser spirit has, in the Church of England, limited the demand upon ordinary Christians for dogmatic assent to the Creeds of the early undivided Church, which they are called upon regularly to recite, and perhaps even among these especially, as may be collected from the structure of our offices—first to the Creed of the Apostles, and, secondly, to that of Nice. Who then has a right to pronounce of his own mere motion against persons that can adopt these primitive creeds and can discharge the part appointed by the ritual system for ordinary members of the Christian flock, that they have no title to continue in the Church?

100. We know from history that Bishop Godfrey Goodman of Gloucester lived and died in the exercise of his high office,\* although it was his belief that the Roman Church was the mother of all Churches, and that it was only by essential objective oneness with her in faith that any society could really be a Christian Church. He was not on this account absolved from the restraints incidental to his station. Archbishop Laud required, and ultimately compelled, him to subscribe the Canons of 1640. But he neither sought to leave the Church, nor was any effort made to drive him out of it. Bishop Montague, again, professed sentiments upon several points of doctrine much more Roman than Anglican. That they were approved by the authorities of the Church we do not say: that they were tolerated stands undeniably upon record. But

See his Life by Archdeacon Newcome, 1825.

if even Bishops (whose case is totally distinct from that of simple communion) were not driven, either by lawful sentence or by general opinion, to the fearful extremity of secession, and if two hundred years have since elapsed, every one of them adding to the latitude and the guarantees of private freedom, how can the very serious limitation of it that is now recommended be maintained?

101. We cannot consider, but with the deepest grief and pain, the fact that within the Church of England, a portion of the flock, however limited, should be desirous to import the existing system of Romanism, and to reconstitute the ecclesiastical laws and institutions under which we actually live according to that model. The existence of such a desire in any quarter is most deplorable. But a very different question from this is raised when it is contended that members of the English Church, having an inclination of that kind, however lamentable, ought, as a matter of religious consistency, and of personal good faith, to quit the Anglican for the Papal Communion. Such a doctrine in our view cannot be supported without the aid of an egregious confusion of ideas, which we shall attempt to unravel.

It is founded then, as appears to us, upon the notion that by the Reformation some essential change passed upon the being of the Church: we do not see how any proposition less broad than this can afford a foundation at all adequate to the superstructure which is placed upon it in the reasoning to which we refer.

Surely one who loves the essence, and considers it a matter of positive obligation to adhere to it, continues under that obligation until the essence itself is vitally affected.

102. What if the Reformation bears the same, or some-



what the same, relation to the Church—we now speak only of extent of change, not of its propriety and justice—as the Reform Act to the British constitution?

Even those who disapproved of that Act might also disapprove of any attempt to procure its repeal. It may be just to contemplate such a scheme as so ruinous, that no man desiring the repeal of the Reform Act can be so good and sound a citizen as he would be if he discharged himself of that desire. So that in respect of such desire his mind is estranged from that which is so deeply seated in the constitution as to make its reversal infinitely dangerous. In this particular, such a mind may be regarded as diseased. But, at the same time, who would say that a man was necessarily a bad and disloyal subject because he desired the repeal of the Reform Act, though he might indeed be called an unwise or even an insane politician? The British Constitution has an essence anterior to and independent of the Reform Bill, which only modified its development. They, who love the Constitution in that essence, are not aliens from it, though they hate the Reform Bill and the effects of that Bill, as embodied even in the more permanent parts of the Constitution. And it may still be true that they would be better citizens if they recognised and embraced what the Reform Bill has effected, because the love of the essence will be less comprehensive and effective where the form of the development is in great part unacceptable, than where that also is approved or at the least accepted.

103. Our argument is not for those who conceive that the existing Church was founded by the Reformers in the sixteenth century. But for those who hold that she dates from the time of the Apostles—that is to say, for her divines, clergy, and instructed members generally—the

conclusion here drawn appears to be one necessarily following from premises in themselves undeniable. For in this view the Reformation, however deep it went, did not, by hypothesis, touch the life: rather it aimed at affording it freer breath and action. Whether, then, the Reformation were a good or an evil, or if of a mixed nature, which element preponderated, is immaterial, not in itself, but in the great question of allegiance and adhesion among all those who hold the continuous identity of the Church. For their homage is to the vitality of the Church, not to the forms and fashions which compatibly with that vitality she assumes. And there is surely no ground for those who say A B is an enemy to the Reformation; but the Church is a reformed Church, therefore he ought to quit it. Of course, if he has come under specific covenants by Subscription or otherwise, they impose upon him corresponding duties. But we now contemplate his part simply as a member of the Church. In that sense the argument is grossly fallacious. He may disapprove of and repudiate those particulars of the institution, and yet acknowledge it as a whole. But, at all events, in point of obligation, it is clear that his bonds are in no degree intrinsically weakened, though they may have begun to gall him. If they gall him he may fret, and fretting may try to escape; there will be a natural tendency to produce this result under such circumstances. His position, therefore, is one of peril; but we speak of what a man in given relations ought to do, not of what human weakness may be tempted and led to do.

104. Undoubtedly, it would be a valid objection to the foregoing argument, if it could be shown that the Church herself had made attachment to the Reformation a condi-

tion of membership. But when has she done so? She has not done it at all. She has, where she deemed it necessary, defended by assertion particular truths, and repudiated by protest particular errors; but her members surely remain free in conscience as to everything beyond, and are nowhere tied up by her to a general approbation of the changes of the sixteenth century.\* Is this a charge against her? Surely it is the highest praise of her moderation and wisdom, that she should have avoided the sin of straitening the terms of communion by mixing the accidents with the essence, and forbidding access to the latter unless upon condition of the simultaneous acceptance of the former. Is it not, on the contrary, true, that in this very particular she stands most advantageously contra-distinguished from the See of Rome, which has sealed with the seal of authority, under the title of faith, matters indifferent or false, and by thus suddenly enlarging her demands upon human assent, has in proportion multiplied the risks of rebellion and utter unbelief?

105. So that if we look to the *nature* of the Church we find—

(1). That it imposes upon us the duty of abiding in her.

(2). That this duty remains in force so long as no vital change shall pass upon the essence.

If we look to the *declarations* of the Church, there is nothing that binds any of her members on the subject of the Reformation beyond any specific and definite obligations which may have been incurred by subscription.

But if there were a liberty or obligation to quit her communion upon contracting a temper of hostility to the Reformation, it could only have been established by

\* See the 'Charges of the Bishop of St. David's' (1842), p. 70.

reference either to the nature and essential laws or to the documents and positive laws of the Church herself. Neither of these supply any such ground of action; therefore there is no such obligation and no such liberty.

106. It appears to us, in solemn seriousness, that for those who are admonished to separate from that which they revere as the body of Christ, the answer is that once used by St. Peter: "Lord, to whom shall we go? Thou hast the words of eternal life" (St. John vi. 68). Here is the fountain of covenanted blessings. In the Lord's house, and not in the fulfilment of our private wills and the gratification of our preferences, is the secret of spiritual strength and the hope of growth in sanctity. We no more seek in religion to choose according to coincidence with our own personal inclinations, in the innumerable particulars of Christian doctrine, discipline, and ceremonial, than we seek to choose, from among the crowd of parents, a father or a mother for ourselves. If we believe, truly or untruly, that some one else has a wiser father and a fonder mother, we do not therefore quit our own; but we stand and ask for blessings from God in the very spot where God has appointed us to be: "Whereunto we have already attained, let us walk by the same rule, let us mind the same thing;" and, "If in any thing we be otherwise minded, God will reveal even this unto us" (Phil. iii. 15, 16).

107. Far be it from us to deny that the persons who use this language may be very fit subjects for instruction and persuasion; but for admonishing them to secede, and much less for expelling them, we do not know so much as the shadow of a justification. It is easy to understand, indeed, how those who look upon Churches as voluntary aggregations of individuals according to private choice,

may adopt such language; but we are dealing with the case of those who hold that such a doctrine is a flat denial of an article of the Apostolic and Nicene Creeds; who really, and not in figure, regard the Church as their spiritual mother, and themselves as subjected to her authority. When they are called upon to quit her bosom because of their private mislikings, it is obvious to reply, an appeal is strong when it is addressed to men from the vantage ground of principles which they acknowledge; but it is weak, nay, it is even ridiculous, when it summons them to act upon principles they abhor.

108. We must also contend that the passage of individuals into the Roman communion should be regarded as the greatest public calamity by all those who are anxious for the prevalence of truly sound and Catholic sentiments within the Church herself, in regard to her constitution and office; and for the plain reason that such transitions of individuals (we neither wish to affix to them the generally sacred name of conversions, nor to wound the feelings of others by terming them perversions) are powerful obstructions to the progress of Catholic doctrine, concerning the Church, among the mass of her uninformed or prejudiced members. Every one added to their number is a fresh obstruction to the harmonious acceptance, in our communion, of those doctrines, which show the natural relationship of all branches of the Catholic Church. Every one of them is a fresh act of aggression and defiance on the part of Rome, and sharpens the animosity that embitters and exasperates our differences. As yet, the series has been both short and intermittent; but any considerable increase of their weight, or even their number, would doubtless excite much alarm and revulsion in the general mind of the Church; and if it did not give

rise to violent efforts for modifying her laws and offices, in an opposite sense, yet would reduce, at least for a time, to languor and debility all those forces within her which tend to give a vigorous development to the principles of her constitution. There are two historical illustrations which may serve at once to explain and to vindicate this view of their effect.

109. Every one is aware that, at the period of the Restoration, the laws of uniformity within the Church of England were made more stringent than they had previously been. At the time when they came under discussion, the appetite of the puritanical party had been so much stimulated by the period of legal domination they had enjoyed, and their demands for relaxation were so much raised in consequence, that, on the one hand, the Bishops found no encouragement to concede to them, and, on the other, they were prepared, in a great degree, to act upon the principle of separation, and to establish one or more rival organisations in the country. There were consequently withdrawn from the Church, according to the accounts of the seceding party, so many as two thousand ministers; and the effect of this movement was not only the diminution, but very nearly the entire extinction, of the puritanical party in the Church. Individuals inclining more or less to those sentiments, such as Bishop Reynolds, remained within her pale; and a new party, described by Burnet as the latitudinarian party of divines, speedily sprung up, which, according to him, included Bishop Wilkins, Dr. H. More, Dr. Cudworth, and others; and which received a powerful impulse, at the era of the Revolution, in the advancement of Dr. Tillotson to the primacy. But this party was widely separated from the schools of puritanism. Nor did any of

these revive in the Church of England until the first movement of the Methodists in Oxford, which presented some of their features, though at the outset not those which are most important and most ominous of evil. Their proper revival dates from the somewhat later period of Toplady and Berridge.

110. Thus, therefore, the result of the secession of St. Bartholomew's day, 1662, was so to exhaust within the Church the whole power of the principle which it represented, that it made no new manifestation of life in a similar form for a hundred years; and even so, speaking in our own sense, we presume to say it is, that every member of the Church of England who so permits himself to be exasperated or grieved by the wrongs which he conceives to be done to great ecclesiastical or moral principles among her members, or to be bewildered by the pain of isolation and the yearning for visible communion with Christendom, as to catch in agony at the hand which Rome holds out to the proselyte, is contributing his own weight, whatever it may be, towards the formation of an aggregate which, if it were to swell to a certain magnitude, would, by having drawn off all the kindred elements, leave the Church of England, as a Christian institution, in the hands of the puritanical portion of her members and of the nation. He is helping on a state of things in which she must immediately submit her offices to expurgation, and her orders to compromise not less fatal than abandonment; in which she would commence an unchecked descent along the inclined plane of latitudinarianism, and yet would retain the vantage ground of nationality, the countenance of the loftiest throne and the noblest laws in the world, and enough of the traditions and symbols of her ancient history, not indeed then any

longer to make good her own titles, but to baffle and intercept, in a great degree, the exposure of their defects.

111. The next illustration is that which is afforded by the course of opinion and practice in the Roman Church, with respect to the papal power, since the Councils of Constance and Basle; and especially at the era, when the Council of Trent closed its memorable sittings. In the striking introduction with which Father Paul opens his history, he observes that that Council, in its issue, disappointed alike the hopes and the fears with which it had been contemplated beforehand. Among other illustrations, he says it was "*dalli Vescovi sperato per racquistar l'autorità Episcopale, passato in gran parte nel solo Pontefice Romano; e l'ha fatta loro perdere tutta intieramente, riducendoli a maggior servitù.*"\* It would be wearisome to endeavour to follow, in its detail, the course of feeling and discussion, throughout the whole continuance of the Council, upon those two capital points:—First, whether the initiative was properly reserved to the Court of Rome, and on the celebrated phrase *proponentibus Legatis*; secondly, whether Bishops were bound to residence, *jure divino*, for which the prelates of Spain in particular contended as essentially involving an episcopal jurisdiction not derived from the Pope. It is enough to point out that the proceedings of the Council went as far as anything less than an avowed reversal could go, to contradict the doctrine established at Constance, of the subjection of the See of Rome to the great representative assembly of the Church.

112. The presidency by proxy, the reservation of the initiative, the reference by the Council of its decrees to

\* 'Historia del Concilio Tridentino,' B. i. Introd.



the See of Rome for confirmation, without any provision for the contingency of refusal, the large and unrestricted terms in which it saved the Papal authority, seemed to give it the character of a Council of the Pope, which tenders to him its official advice, not of a Council of the Church, which establishes the laws necessary for its government. And it is very remarkable, that while the hope of recovering the Protestants mainly contributed to induce the sovereigns of Germany and France to require that the Council should be summoned, it was the loss of any such hope, on account of the determinate forms which religious division had assumed in the latter years of that assembly, which led those potentates to concur with the papal party in accelerating its conclusion, and to forego any longer urging claims for reformation, of which the principal purpose had by that time been placed beyond their reach.

113. Now let us suppose for a moment that communion had not been previously broken; that not only the followers of Luther and Zuinglius, but men of every shade of thought and sentiment between them and the papal party, had met together at Trent; the result of the deliberations of the Council would then, we apprehend, have been one much more favourable to the union of Christendom. But the Protestants had gone out; the schism had been recognised, and practically established, by the Peace of religion. So in England the Puritans had virtually separated before 1660; and the same course is pursued formally by the modern fugitives to the Roman communion. The consequence was, in each of the two first cases, that they strengthened the hands of their opponents; and Trent was to Constance what the English Convocation of 1660 was to the English Convocation of

1562. Must not the issue in the third and in every analogous case be the same?

114. We advance this argument as one which may justly operate with power on those who are endeavouring to estimate defections to the Roman communion by a test of religious expediency, or who, without any such leanings in their own minds, have accustomed to think too lightly of the mischiefs they produce in the form of blind reaction. But of course it is not with the idea that it can weigh with persons who hold it matter of duty to precipitate such defections, either in the sense of ridding the English communion of a taint, or in the sense of placing souls now astray within the bosom of the Church. Such we apprehend to be the view which gives to the Romish priesthood in England their activity in the search for proselytes.

115. This reflection draws us back for a moment to Mr. Ward, who reads to them and their whole community a lesson upon their manner of proceeding in this respect, informs them that they are entirely and fatally wrong in their mode of conducting the work of conversion, and acquaints them that, instead of exhorting men to hear the voice of the Church, and to place themselves within the sphere of the covenanted influences of grace, they should adopt his philosophy and bid men work vigorously upon their existing systems, and then do as their consciences shall prompt them. Mr. Ward will have but little success in that direction. He cannot even think he will have much. *Sic notus Ulysses?* His instructions to the Pope, however, upon the proper method of fishing for men (for such he must be aware that they are, though he confines his apostrophe to the Roman Catholics of England) (p. 288), are conveyed with his usual confidence and complacency. He acquaints them with his "utter dissent

and bitter sorrow" (p. 289), chastises smartly their "baleful endeavours to unsettle and disturb" (p. 289), and their "proud and carnal philosophy" (p. 290); and yet, with a violence of inconsistency which baffles all description, he at the same time acknowledges their superiority in faith and sanctity, and declares, too, that faith and sanctity are the only sources of knowledge in matters of religion, and the only guarantees for wise conduct. It is strange, it is scarcely to be believed, but there it is written, and the incredulous may convince themselves by perusal: the priest of the English Church, proclaiming her miserable, fallen, and prostrate state, pitch-forks into the world a new philosophy, and, out of the abyss of incredible corruption, gives his orders to a Church exalted, as he thinks, to the seventh heaven of purity, to reverse the whole process by which she performs one of her elementary and principal duties, the office of conversion!

116. Returning, however, to our position, we have to observe, that the foregoing remarks have reference to that argument for the secession of persons holding certain opinions, which has been submitted as an argument for their decision. Upon the very much more arduous question, whether members of the Church should be expelled from her pale by authority for Romish opinions, we shall only tender a few remarks of general expediency. We do not whisper an objection to enforcing in their substantial meaning, according to history and authority, and with the provident securities of law, those subscriptions which are required from clergymen, or from the members of universities. Nothing, in our judgment, could be so fatal and so hopeless as a state of things in which the *bona fides* of subscription should be destroyed, and that sarcasm of Gibbon verified which represented the English priesthood

as signing with the smile of contemptuous incredulity, or with the sigh of struggling but worsted conscience. But, on the other hand, we earnestly protest against the efforts of private persons to erect their own interpretations into standards of obligatory belief : against the clamorous use of these arbitrary systems as weapons of extrusion, and, in a word, against mobbing men out of the Church : against all attempts to anticipate the judgment of authority, or to goad it into action. These are days in which the subject must defend the ruler, as well as the ruler the subject. Therefore we presume to say, let us have no intimidation ; but leave to those in power space and calm for reflection, for forethought, for counting the cost. Many questions will certainly require to be entertained and to be disposed of, before these new doctrines of ejectionment are carried into execution.

117. For example, Is the remedy worse than the disease? Can the constitution of the patient bear to lose the tainted member? When the operation is over, will the symptoms reappear in other quarters, and will other limbs in succession require to be lopped off? Will the wound that is to be opened ever close, and will it drain away by degrees the vital power, and reduce the trunk to exhaustion, the forerunner of speedy dissolution? Then again, if expulsion, or if any severities beyond the fair enforcement of established restraints, are to be employed against those who offend in proneness to Roman practices and opinions, what will be the effect of such a policy upon that liberty or licence of opinion which has been so largely exercised within the Church in a contrary direction? The sword of discipline is double-edged : and there can be no claim for its exercise more forcible than that of such fundamental principles of our ecclesiastical constitu-

tion, as authority, and succession, and sacramental grace. If all tranquil forecasting of results is to be rendered impossible by pressure and vociferation from without; if the extravagances of the private spirit are to sway the poles of the judicial movements of the Church; if law is to have force in one direction, and to be powerless in every other; if its action is to be strained in an age that will but just bear its most lenient administration; if undefined and constructive heterodoxies are to swell its penal code; from the very day of the commencement of such a course of events will the Church of England have entered upon a new chapter of her history. Its phase, in our view, is lurid and gloomy, and charged with the signs of the hurricane, that makes desolate the habitations of mankind.

118. By a mysterious and providential order, the organisation of the Church of England has in some sort combined together for three hundred years the individuality which constitutes the soul of Protestantism, as it is viewed apart from the essence of the Church, and the ancient and immortal principles of changeless objective truth, as the dogmatic basis of Christianity, and of the Divine mission of the Church, as the appointed instrument of its activity in the world. Daily experience would contradict the pretence either that this combination has been one of perfect harmony or that it has been maintained at all times without a loss of motion, power, and vigour; because a portion of the forces, that might otherwise have been extrinsically applied, have been spent in securing the mutual cohesion of the members of the body. Hence to conscientious, we do not say to well-judging, men, the Church of England has often appeared to great disadvantage, as compared either with the communities, within which individuality exults in its freedom from the correc-

tion of authority, or with that great community, in which authority has well-nigh absorbed and swallowed up individuality. But yet the practical judgment of this nation, the common sense for which it stands conspicuous in the world, has ceaselessly worked upon the conviction that it is the union of these elements in religion, which to her

“forms with artful strife  
The strength and harmony of life.” \*

119. And so it has singularly happened that the English Church, tame in her external character, weak in her disciplinary observances and laws, and affording in her practical system but too little scope to enthusiasm, has nevertheless maintained throughout all vicissitudes her hold upon the allegiance of the most stirring and energetic nation in the world. She has stood the test of adversity better than of prosperity. She rose in unexampled power from the prostration of the great rebellion. She has recently gained strength from year to year, notwithstanding the double impediment of angry discussion within,† and of bold and combined assaults from without; and has even

\* Gray's fragment on the Pleasure arising from Vicissitude.

† We may refer to two recent and remarkable testimonies to the growing strength of the Church from two very opposite sources: the one the late 'Charge' of the amiable and devout Bishop of Chester, who is known to regard with the greatest apprehension the progress of those opinions with which Mr. Ward has identified himself, but who declares in his late 'Charge' that he considers her prospects more favourable than at any former period of his episcopal career (p. 9); the other the *Westminster Review*, a publication utterly hostile to the Church as a whole, but which, nevertheless, admits (No. 82, Sept. 1844, p. 163) the constant and rapid increase during late years of her social strength. To these we should add the cheering declaration of his Grace the Archbishop of Canterbury, in his very important and truly paternal 'Charge' (p. 6).

proved the main political instrument in checking that revolutionary movement which in our sister country, France, is scarcely curbed by the fortification of the metropolis against its own inhabitants, and by a standing army of five hundred thousand men. How high and solemn is the destiny of the rulers of a Church like this! how far-reaching the results that wait upon their actions!

120. But while we thankfully acknowledge the continual advancement of the Church in everything that is most essential to her permanence and power, it would be vain to dissemble that she is not yet beyond the risk of being disorganised by the imprudence and intolerance of misjudging friends. She labours under the disadvantage of a weak executive to a degree such as only time and great sagacity, under God's grace, can cure, and such as might give to rash experiments, that would be simply inconvenient in less sensitive or more thoroughly compacted bodies, a formidable, nay, a fatal issue.

121. Upon the whole, using the privilege of free discussion in the absence of any authoritative judgment of the Church (to which we should be, we trust, not slack to yield obedience), we arrive at the conclusion that, in conjunction with a just administration of the law, a liberal and an indulgent policy both towards those who fail to appreciate the Catholicism of the English Church and to those who are impatient of its Protestantism, may be anticipated from the discretion of our rulers and from the spirit of the times, so long as each confine their several claims for freedom of action and of speculation to matters which she has not absolutely foreclosed. Nay even more: even that honest error, when it does not go to the seat of life, will be assailed rather from the teacher's chair than from the seat of judgment, and that truth will be sought

rather by expansion than repression, though each doubtless has its proper place.

122. The Church of England has to deal with the people of England; and in adapting her modes of procedure to the national character, she will know how to give to civil analogies their value. Looking to this nation as a political society, she will find that it combines an unbounded freedom of private opinion upon social theories, with an unparalleled respect for law, a strong sentiment of national unity, and a vigour not less singular in the whole machine of government: and if, in the effort to realise more fully the same combination in the sphere of ecclesiastical affairs, she be too often met with a self-willed and an ill-informed resistance, will she not recollect that in the period of lethargy, now happily passed away, vicious precedents became a system—system presented the face of law—law made its appeal to those conservative elements, which constitute so large a portion of its strength—and thus, through our own misconduct, the proper guarantees for the stability of truth became the bulwarks of corruption? Is it not obvious that, in the wide range of things indifferent, such considerations should often exercise a governing influence on conduct? Is there not every conceivable encouragement to such a policy, and to the hope that the God of Zion\* will send peace within her borders, at a time when He is so manifestly building up her waste places, making fast the bars of her gates, filling her with the flour of wheat, and blessing her children within her?

[During that third part of a century, which has passed since the appearance of this Essay, the history of the Reformation-age in

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\* Ps. cxlvii. 12-14.



England has been not only elucidated, but almost reconstructed; and I am sensible of the aspect of poverty, which the remarks made on the English Reformation must now bear. At the same time, while apologising for their meagre character, I do not offer any other apology. Many characters have suffered from the freer play of light around them; but their reputation for religious sincerity has perhaps endured the ordeal better than their personal and moral standard generally.—W. E. G., 1878.]

### III.

#### REMARKS ON

## THE ROYAL SUPREMACY;

AS IT IS DEFINED BY REASON, HISTORY, AND THE  
CONSTITUTION.

A LETTER TO THE LORD BISHOP OF LONDON (BLOMFIELD).

1850.

#### PREFACE TO THE THIRD EDITION (1877).

IN the year 1850, after the delivery of the well-known judgment of the Privy Council in the case of Mr. Gorham, I published in a letter to a most eminent prelate, Bishop Blomfield, an argument relating to the Royal Supremacy, viewed in the light of Reason, History, and the Constitution. The publication was intended to show, that what may be called the Reformation-settlement of this great subject was not oppressive or irrational. It was intended also to show that the legislation, then recent, which had substituted a new machinery of appeal for the old one, was an injurious, and even dangerous, departure from the Reformation-settlement.

Within the quarter of a century which has since elapsed, numerous and varied constitutional changes in

the Church have occurred. The Convocations of Canterbury and York, needlessly and illiberally silenced for so long a time, have, since the epoch of Lord Aberdeen's Government, had freedom of speech restored to them; and, notwithstanding their imperfections, have not only served as an organ of speech to the Church at large, but have also borne an useful part in assisting parliamentary legislation. The Court of Appeal has been partially altered; and such alteration as has been made appears to be in the nature of a secondary improvement. The Court of Arches has likewise been altered in a peculiar manner, and a novel system of law has been introduced by the Public Worship Act of 1874, but only with reference to the enforcement by a special process of rules for exterior worship, not to the doctrine or general discipline of the Church. Suits recently and now in progress under this Act have seriously stirred the mind both of the public and of the clergy, and have been deemed by many to impart a sensible shock to the existing relations between the Church and the State.

It is under these circumstances that I have been requested by many, who take an interest in the matters at issue, to republish my original argument on the Royal Supremacy, which soon went out of print. This request had already been made, and acceded to, in the year 1865, when I was Chancellor of the Exchequer in the Government of Lord Palmerston. Having then agreed to it, I could find less warrant for declining it now. But I had not then, nor have I at present, leisure to study afresh the particulars of the argument. All I can say is, that I have seen no reason to recede from its general purport. There were, however, portions of the original work which had reference to the circumstances of 1850, and to the

comparatively helpless condition of a body possessed of no constitutional organ of utterance. These were abridged or removed in 1865, and the present edition is a reprint from the edition of that year; with only a single substantial addition, of a brief note in relation to a well-known statement of Bishop Gibson (see Par. 159).

I must, however, confess that an opinion, at which I had not arrived in 1850, has been long ago impressed upon me by the augmented experience, which we have since acquired.

It is, and has for very many years been, my belief that the multitude of penal proceedings,\* which began with the movement at Oxford against Dr. Hampden in 1835, and which have in so singular a degree marked the history of the last forty years, have done much more of harm, than of good. The sentences obtained do not compare favourably with the workings of our civil judicature, as to the general respect and confidence they have won. These proceedings displace or enervate moral forces, and yet cannot perform their work. They disturb the minds of men, and often set them speculating on the chances of the future. They tend to precipitate changes, which it were wiser to avert or to postpone. It is of primary importance that they do not escape, in many quarters, the suspicion of giving rise to Judgments, which are founded (however unconsciously) on motives of policy more than on a dry unbiassed consideration of the law, and which thereby suffer loss in their moral claim to respect. At the same time, as far as honour and general ability are concerned, no one would think of casting an imputation on those who administer

\* See 'The Church of England and Ritualism,' ii. 24-26, published in 1875.

the law. Many of them have been men singularly eminent and good. The conclusion to which I am drawn is, that not only the particular instrument, but the method, is defective. The conditions, under which the ancient Church of England holds her place as a national establishment of religion, cannot (it seems to me) be bettered or readjusted, when they are out of order, by such means. Conscience and feeling have a very large share in the matters which they touch; and these recoil from determination by the hard touch of legal sentences. I do not lay down any abstract opinion to govern extreme cases; but I speak of what has actually occurred. Also I bear in mind that we came through the great Wesleyan movement of the last century, and the Evangelical movement in the early part of the present century, without having had any recourse to measures of this kind. And who in calm retrospect would desire that they should have been resorted to on either of these occasions?

But, be this as it may—and I am far from claiming more than mere liberty to submit a personal opinion—there can, I think, be nothing but advantage in whatever tends to promote historical investigation of the subject: especially for those who think, as I do, that the forefathers of the English nation, when thus put upon their trial, will come honourably and well, due allowances being made, out of whatever scrutiny their conduct may be called to bear.

[The passages in brackets were excluded from the reprints, as having lost their application to the altered circumstances of the time, and as distinct from the main line of the constitutional argument. They are, however, now reproduced as belonging to the history of an important and critical controversy.—W. E. G., 1878.]

*Letter to THE LORD BISHOP OF LONDON (BLOMFIELD).*

[1. MY LORD BISHOP,—The residents in your Lordship's diocese need, I hope, make no apology, unless it be to yourself, for laying before you at this great and unexampled crisis in the history of the Reformed Church of England, either their apprehensions from the dangers that surround her, or their suggestions in regard to the means of relief. Your paternal office affords me this first and chiefest reason for addressing you, and renders it needless to dwell upon your signal and unmeasured labours in its discharge as a second.

2. The ferment of the present hour, my Lord, has set many minds and pens in motion. But it is not excitement only with which you have to deal. Many of those persons in the Church, if I am not mistaken, who are the least excited, are likewise the most profoundly moved. Besides the vehement and sudden emotion of such periods as this, they minister food to the slower and more inward, the more permanent and profound, processes of the mind. If solicitude may well be felt on account of those, whom the storm at once dislodges as leaves that were half ready of themselves to fall, much more should it be awakened if we find that the fond and affectionate, the resolved and tranquil, children of the Church have arrived, or are arriving, at the conviction that she is in near peril of the forfeiture of her solemn trust, and that the providence of God, which has hitherto so wonderfully kept her, makes now the most urgent calls upon the courage and sagacity of all who, whether as rulers or subjects, and whether in the State or in the Church, have an interest and a share in the determination of her destinies.

3. Your Lordship knows, I doubt not, how many minds, not usually given to violence or precipitancy, are entirely convinced that the principles of the report or recommendation of the Judicial Committee in the case of *Gorham versus* the Bishop of Exeter, are fatal, in the first instance, to an article of the Christian faith, and in their indirect, but, as they believe, certain results, to all fixed dogmatic teaching whatsoever; as well as to the office and vitality of the Church, which depends upon that teaching, and to its national establishment, which would not long survive, under the circumstances of the day, its surrender of its higher charter.

4. I shall not, on the present occasion, enter upon any scrutiny of these propositions, because it would lead me into great length, and is not necessary for the purpose which I have in hand. Nor shall I inquire whether it be really true, or, on the other hand, egregiously false, that the opinions stated in Mr. Gorham's book are those which have always been tolerated, if they have had no direct sanction, in the Church of England; or, that they are in substance the opinions of a large number of her clergy at the present day; or, that there is a general satisfaction with the result of the proceedings (assuming that they have reached their final result). For with the state of law, which has led to that result, no one pretends that there is a general satisfaction. No one pretends, that the constitution of the Judicial Committee of Privy Council is adapted to the due and solemn decision of cases of doctrine. Before the decision in the *Gorham* case was delivered, and when no man had an interest in upholding unduly the credit of the court, there was but one voice of reclamation throughout the country against the gross indecency of such a mode of provision for such causes.

And even now, when the case is much altered in that respect, there is still a nearly universal acknowledgment, that the law requires material alteration. It is enough for me to stand upon this acknowledgment; and upon the further fact, that so many persons of the greatest weight, from the episcopal bench downwards, will find themselves precluded in conscience from acquiescence at any time, or under any circumstances, in the law as it now is, because they are convinced that it is a state of law which has already led to the violation, and would ultimately lead to the destruction, of the faith and work of the Church.

5. Your Lordship has perhaps also been apprised, that among the evil fruits of the recent proceedings, has been the avowal, which they have drawn from some quarters, of an opinion that the English Church is now reaping as she has sown: that the constitution of the Appellate tribunal is conformable to the principles established at the Reformation for governing the relations between the Church and the State: that the Royal Supremacy, as it was then declared or defined, involved a surrender of the birthright of the Church, and that unless by its destruction she cannot be saved.

6. These opinions coincide, for the immediate and practical purposes before us, with others that proceed from opposite points of the compass. They are the opinions which, very naturally and consistently, Roman Catholic writers among us have laboured, and now with heightened hopes are labouring, to propagate; which for the moment are attractive to such persons, as approve of the late Report on its merits; which have always found a good deal of favour with a particular political party; and which, it must be added, are eminently acceptable to the spirit of the world, and the spirit of the age, in so far as



these are in conflict with the spirit of Faith, and of the great institution which was appointed for the propagation and support of that spirit.

7. It has, therefore, become vital to many that they should ascertain whether they are really placed in so grievous a dilemma, as that either they must condemn the reformation of the Church of England as involving a traitorous abandonment of her trust, and therefore quit her communion; or else they must accept a system under which, while the legislative organs of the Church are in abeyance, her laws are to be judicially construed and applied, even in the very highest and most solemn subject-matter, by a Court essentially temporal and civil, and a Court which, as they conceive, has already, on the very first occasion of its reversing a sentence of the ecclesiastical judge, made practically null one article of the Christian faith, and established principles that must involve the nullification in due time of the rest.

8. This inquiry, my Lord, is indeed of vital moment to those who, loving the Church-Establishment of England, and unwilling to disentangle elements, which have long and on the whole beneficially cohered, yet must, when they are put to it, not scruple to declare that they love the Church first and the Establishment second, and that there cannot be a moment's hesitation in the choice between them; or who, loyal in heart to the Reformed Church of England, yet place the Church first and the redress of abuses in it second, as every good citizen must revere the British constitution itself more than any particular Statute, however grave, however wise, however restorative.

9. And, vital to these persons, the inquiry is important at least, if not vital, to all who, with less defined ideas,

or even with different estimates of the relative values of the several elements of the case, are nevertheless desirous so to frame their course, as to relieve consciences, and to promote peace ; and who would gladly find that they could best attain their ends by adhering, or by returning, as the case may be, to the principles declared at the Reformation in regard to the relation of Church and State.

10. My Lord, I for one am deeply convinced that it is requisite for the Church, while she continues in possession of her temporal honours and emoluments, to make every effort compatible with her first necessities to disarm even groundless jealousies on the part of the civil power ; not to vaunt in braggart words her readiness to abandon her legal privileges rather than her faith, until she actually sees that the hour, appointed for her to make that choice, is at hand ; and to observe the utmost care that, in all demands which she may make upon the State for legislative relief, she takes her stand, as to all matters of principle or of substance, upon the firm ground of history and law.]

11. The questions that I seek to examine will be as follows :

(1). Did the Statutes of the Reformation involve the abandonment of the duty of the Church to be the guardian of her Faith ?

(2). Is the present composition of the Appellate tribunal conformable either to reason, or to the Statutes of the Reformation, and the spirit of the Constitution as expressed in them ?

(3). Is the Royal Supremacy, according to the Constitution, any bar to the adjustment of the Appellate jurisdiction in such a manner, as that it shall convey the sense of the Church in questions of doctrine ?

[12. All these questions I humbly propose to answer in

the negative, and so to answer them in conformity with what I understand to be the principles of our history, and our law. My endeavour will be to show that the powers of the State so determined, in regard to the legislative office of the Church (setting aside for the moment any question as to the right of assent in the laity), are powers of restraint; that the jurisdictions united and annexed to the Crown are corrective jurisdictions; and that their exercise is subject to the general maxim, that the laws ecclesiastical are to be administered by ecclesiastical judges.

13. If the reply be a correct one, my intrusion upon your Lordship's time may be excused. If the main propositions are overruled by opposite authority and evidence, I shall retire from the contest with earnest desires, but with the faintest hopes, that any means may yet be discovered of prolonging the existence of the national Establishment of religion without violating the integrity of the Christian Faith, polluting the conscience of the Church as its appointed witness, and destroying alike its authority and its capacity for a due discharge of its work. In the meantime I contest the propositions of the writers to whom I have referred\* with an unshrinking confidence, in the name and in the interest, as it seems to me, not less of the State than of the Church; being persuaded that their view proceeds upon a misapprehension of our religious history, and a fundamental and entire misapprehension, in the particular subject before us, of the Constitution of this country.

14. I find myself neither bound nor authorised to deliver over to anathema the memories of our forefathers

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\* *Sup. Par. 5.*

in the Church, who are alleged to have transacted this gigantic simony, this barter of the work of the Holy Ghost for the trappings of power and the lucre of an evil world, for the lust of the eye and the pride of life. I shall contend that, amidst the great alarms, and the yet greater dangers, of this emergency, we require nothing more than a wise and manly moderation on the part of our temporal rulers; nothing more—or, rather, something less—than a frank adoption of the constitutional principles of the Reformation, in order, I will not say to heal and close the divisions which the recent proceeding has both disclosed and also frightfully aggravated, but to put them in the way of the only treatment which can either relieve consciences now most grievously oppressed, or secure to the Church the degree of peace necessary for the avoidance of perpetual scandal, and for the discharge, even the partial discharge, of her sacred function.]

15. Let us, my Lord, first briefly sum up the concessions made by the Church, and the main statutory enactments of the era of the Reformation respecting her, whether founded on her concessions or not; and afterwards review, in general outline, those conditions which, growing out of the nature of the State and of the Church respectively, seem to be indispensable to their full co-operation under all circumstances, and even to their peaceable neighbourship, except under the circumstances which I shall afterwards describe. With these preliminaries, we shall be in a condition to attempt an estimate of the real meaning, and the real merits, of the great legislative provisions of the Reformation relating to Church power.

16. First then, both Houses of the clergy in Convocation acknowledged the King, in the year 1530, as being

lord and head over the Church, in these terms: *Ecclesiæ et cleri Anglicani singularem protectorem, unicum et supremum dominum et quantum per Christi legem licet, etiam supremum caput ipsius majestatem recognoscimus*.\*

I do not enter into the question† whether the qualifying words *quantum per Christi legem licet* were finally omitted by the Convocation, but simply follow the received opinion. In the statute,‡ however, though passed “for corroboration and confirmation thereof,” that is, of the submission, there is no notice of them.

17. Secondly, the clergy acknowledged that the Convocation always had assembled, and ought only to assemble, by the King’s writ.

It is not required to dwell upon this point: first, because it purports merely to be an acknowledgment of existing practice; secondly, because the question whether Convocation were to assemble otherwise than by the King’s writ, was a secondary one when the Church had likewise the power to legislate in Synods, which were undoubtedly assembled without any such writ; and lastly, because the really effective restraint was that conceded by the Promise of the clergy, which, it will be seen, was not applicable to any particular form of meeting, but bound the whole Spiritual Estate, without distinguishing any one mode of formal action from another.

18. Thirdly, they promised *in verbo sacerdotii*, according to the recital in 25 Hen. VIII. c. 19, never thenceforward “to attempt to allege, claim, or put in use” any new canons but with the King’s licence.

\* Collier, ix. 94. In immediate connection with the words are the thanks of the Convocation to Henry for his services to the Church, against *quamplurimos hostes, maxime Lutheranos*.

† See Parker, Antiq. Eccl. Brit. p. 487. ‡ 26 Henry VIII. c. 1.

Fourthly, that they never would “enact, promulge, or execute” any such canons without his assent.

Fifthly, they petition that a Commission may be appointed by the Crown, to consist of thirty-two persons—sixteen to be of the clergy, and sixteen to be laymen of the two Houses of Parliament—to review the Church laws then subsisting; to abolish and annul such part of them as they might think exceptionable; and to present such of them, as they might consider worthy to stand, to the Crown for fresh confirmation.

19. The powers thus proposed to be delegated were vast; they did not, however, include any right to pass or to propose any new matter for ecclesiastical law. The ground of the proceeding was recited to be, that there were at the time, as no doubt was true, many decretals and constitutions that were contrary to law, and onerous to the subject as well as to the King.† Nor is it necessary to discuss the wisdom or propriety of this petition of the clergy, since the enactments passed in consequence of it never took final effect; and, however material they may be as illustrating the spirit and tendencies of the day, they have not in any direct manner entered into the constitution of the English Church.

20. By these recitals, we plainly see what were the concessions of the spiritual estate of the realm in regard to the power of legislation for the Church. There was no surrender of that power, no acknowledgment that the source of it resided in the Crown: but the exercise of it was placed under restraints perfectly effective; as it was

\* The persons actually appointed under Edward VI. may be found in Collier, App. No. LXI. They were seventeen of the clergy, with eight lawyers and six civilians.

† 25 Henry VIII. c. 19.

made dependent on the Royal licence or assent, both as to the office of deliberation, and as to the right of giving effect to its results.

21. Accordingly, both the theory and practice of the State have recognised the legislative power of the Church to be in Convocation. The formularies of the Church, as they subsist, were adjusted by it, and received the sanction of the Legislature. The latest declaration on the subject is perhaps the clearest: that, namely, of 1689, by a joint Address from both Houses of Parliament, praying, "that according to the ancient practice and usage of this kingdom in time of parliament, His Majesty would be graciously pleased to issue forth his writs, as soon as conveniently might be, for calling a Convocation of the clergy of this kingdom, to be advised with in ecclesiastical matters."

22. It is not, however, so clear what the Convocation either augured or intended with respect to executive and judicial power, in making these concessions. An acknowledgment of the headship of the Crown, qualified by the law of Christ, by no means appears *ex vi terminorum* to imply the annexation to it of a supreme jurisdiction in all ecclesiastical causes. And although we find in the submission the words, "*singularem protectorem, unicum et supremum dominum*," the framers of the statute have not thought it worth their while to recite these words, or to found any construction upon them. Again, the acknowledgment of the King as head of the Church is recited as absolute, contrary as it appears to the fact; and the enacting part of the statute is not confined to providing that the King shall be reputed its head, and shall have

all the jurisdictions and authorities appertaining to that title, but it goes on to make a separate provision, that the Crown shall have full power and authority to correct all errors, heresies, and offences whatsoever, "which by any manner spiritual authority or jurisdiction ought or may lawfully be reformed, repressed, ordered, redressed, corrected, restrained, or amended." In these words all corrective jurisdiction whatever was definitely annexed to the Crown, while the privileges appertaining to headship were left quite undefined. The effect of the statute, therefore, seems to be, that while *corrective* jurisdiction was secured in legal language to the temporal power, there was no distinct provision whatever made with respect to *directive* jurisdiction, that is to say, the ordinary authority by which the functions of the Church, when unobstructed by offence or dispute, are discharged.

23. I have referred in detail to the statute of the 26th Henry VIII., because of the importance of its subject-matter, and the reference to it in subsequent statutes; and because it is sometimes alleged to be still in force.\* This allegation, however, appears to be quite erroneous. The note on the Act in the Statutes at large directs our attention to the circumstances that the Act was repealed by the 1 & 2 Phil. and M. c. 8; and that, when the repealing Act was itself repealed, the repealing parts of it were saved, in the 1 Eliz. c. 1, except as to certain of the rescinded Acts therein particularised, among which this is not contained. (See 1 Eliz. c. 1, sections 2-13.)

24. The enacting parts of the 1st of Elizabeth make no reference to the consent of the clergy.



We must then refer to further proceedings to ascertain within what limits the clergy recognised a lawful power, other than legislative, in the Crown, for ecclesiastical purposes.

The Thirty-seventh Article, adopted by the Convocation in 1562, but belonging to the number of those which do not appear to be included in the Act of 1570 (which requires the subscription of the clergy), declares as follows :

“The Queen’s Majesty hath the chief power in this realm of England, and other her dominions ; unto whom the chief government of all estates of this realm whether they be ecclesiastical or civil in all causes doth appertain, and is not, nor ought to be, subject to any foreign jurisdiction.”

25. The Canons of 1603 went farther ; for they bound the clergy to maintain and cause to be maintained all that the civil power had done in regard to the supremacy. It is provided in the first of these Canons, that they

—“shall faithfully keep and observe, and (as much as in them lieth) shall cause to be observed and kept of others, all and singular laws and statutes, made for restoring to the Crown of this kingdom the ancient jurisdiction over the State Ecclesiastical, and abolishing of all foreign power repugnant to the same.”

And by the second, excommunication is decreed against those who shall affirm that the King hath not the same authority in causes ecclesiastical that the godly Jewish Kings and Christian Emperors enjoyed ; or shall

—“impeach any part of his regal supremacy in the said causes restored to the Crown, and by the laws of this realm therein established.”

26. In 1640, Canons were passed, which were equally complete with those of 1604 as Synodical Acts, and which

like them received the Royal assent, though they have never obtained the force of law. In the first of these, the supremacy is defined as attaching to the office of king generally rather than to that of the King of England in particular; and among other matter we find the following explanatory clause:

“For any person or persons to set up, maintain, or avow, in any their said realms or territories respectively, under any pretence whatsoever, any independent *coactive* power, either papal or popular (whether directly or indirectly), is to undermine their great royal office, and cunningly to overthrow that most sacred ordinance which God himself hath established; and so is treasonable against God as well as against the King.”

27. Upon the whole it seems very evident that the statutory settlement, at the Reformation, of the ecclesiastical jurisdiction of the Crown was in part founded upon the anterior proceedings of the Church, and as to the rest accepted by her subsequently; and that she is fully and absolutely responsible for it in the most determinate manner; and not merely in the less determinate, though equally real, manner, in which she may become responsible, through continued and general acquiescence, for measures to which she has never directly been a party.

28. The provisions, then, of the temporal law, for which the Church thus became answerable by the direct and formal adoption of them, appear to have been as follows.

We pass by the 26th Henry VIII., because, as we have seen, it was not in force at any period after the reign of Mary.

The 1st of Elizabeth, c. 1, sect. 17, provided “that such jurisdictions, privileges, superiorities, and pre-eminences, spiritual and ecclesiastical, as by any spiritual or ecclesiastical power or authority hath heretofore been or

may lawfully be exercised or used for the visitation of the ecclesiastical state and persons, and for reformation, order, and correction of the same, and of all manner of errors, heresies, schisms, abuses, offences, contempts, and enormities, shall for ever, by authority of this present Parliament, be united and annexed to the imperial crown of this realm."

And in the nineteenth section it provides that (among others) all bishops and ecclesiastical persons shall take the oath of the Queen's supremacy, which commences with the following clause :

"I, A B, do utterly testify and declare in my conscience that the Queen's Highness is the only supreme governor of this realm, and of all other Her Highness's dominions and countries, as well in all spiritual and ecclesiastical things or causes, as temporal."

29. But it is important to observe that the words which I have quoted no longer find place in the oath, as they were struck out of it when it was remodelled in the 1 Ph. & M. c. 8. The main operative enactment, therefore, to which the Church now stands bound by the terms of the Canon is that of 1 Eliz. c. 1. sect. 17, uniting and annexing all lawful spiritual jurisdictions to the Crown. The present oath of supremacy merely repudiates the Papal supremacy, though in terms which, relatively to the present state of the law, are open to exception.

The clergy, however, at ordination and institution, subscribe to a clause in the thirty-sixth canon containing words similar to those of the oath of Elizabeth.

We have now before us the terms of the great Statute which, from the time it was passed, has been the actual basis of the Royal authority in matters ecclesiastical : and I forbear to load these pages by reference to declara-

tions of the Crown, and other public documents less in authority than this Act, in order that we may fix our view the more closely upon the expressions of what may fairly be termed a fundamental law in relation to the subject-matter before us.

30. The first observation I make is this: there is no evidence in the words which have been quoted that the Sovereign is, according to the intention of the statute, the source or fountain-head of ecclesiastical jurisdiction. They have no trace of such a meaning, in so far as it exceeds (and it does exceed) the proposition, that this jurisdiction has been by law united or annexed to the Crown.

I do not now ask what have been the glosses of lawyers; what are the reproaches of polemical writers; or even what attributes may be ascribed to prerogative, independent of statute, and therefore applicable to the Church before as well as after the Reformation. I must, for the purposes of this argument, assume what I shall never cease to believe until the contrary conclusion is demonstrated by fact, namely, that in the case of the Church justice is to be administered from the English bench upon the same principles as in all other cases; that our Judges, or our Judicial Committees, are not to be our legislators; and that the Statutes of the realm, as they are above the sacred majesty of the Queen, so are they likewise above their ministerial interpreters. It was by statute that the changes in the position of the Church at that great epoch were measured, by statute that the position itself is defined; and the statute, I say, contains no trace of such a meaning as that the Crown either originally was the source and spring of ecclesiastical jurisdiction, or was to become such in virtue of the

annexation to it of the powers recited; but simply bears the meaning, that it was to be master over its administration.

31. The powers given are corrective, not directive or motive powers—powers for the reparation of defect and the reform of abuse, but not powers on which the ordinary, legitimate, and regular administration of the offices of the Church in any way depends for its original and proper sanction.

Is this a mere refinement, or is it a valid and important distinction? Is the authority entitled to redress evils in a given relation of life, or incorporation of men, of necessity that on which the regular discharge of the duties of that relation, the proper obligations attaching to membership in that society, depend?

32. The answer to this question will, I think, be found to depend on an anterior one, namely, this, whether the given relation in life, or the given society, is one constituted by the State, or co-ordinate with (or anterior to) it. In the former case the hand of the State, by its own strength, imparts to the machine its movements; in the other it stands by, and only tempers, when need has arisen, the operation of an independent agency. Of an army, the State is the creative power, and as much directs what ought to be done, as corrects what ought not to be done. On the other hand, the State did not create the family, yet it regulates, with a breadth of range that it rests only with itself to define, the relations of its members; yet subject to this great distinction, that whatever interference, as between man and wife, or as between child and parent, it may exercise, is always on the ground of faults committed or defects that have occurred, never to teach duty. The whole office of correction is not a

normal office, but it is, as administered by man, an expedient; the best that the case admits of; a choice of the lesser evil; and it would be thought ridiculous to hold that the duties of kin were derived from the law of the land, for this reason, that the family is in fact anterior to the State, and independent of it, and has its duties marked out by the hand of God. But every one of these propositions is, as matter of historical truth, if we believe in the New Testament, no less incontestable concerning the Church, than it is concerning the family.

33. I say, therefore, it does not appertain to the State, by the nature of things, to be the origin of ecclesiastical jurisdiction. If not, then, by the nature of things, has such an attribute come to it by compact? I answer, no: the compact of the Church and the State in regard to their constitutional relations is well defined by statutes founded on the prior or posterior consent of the clergy, and themselves conveying the consent of the laity; and the compact contains no such condition.

34. But another question remains: Has such a claim been *de facto* made and exercised by the State, say on the ground of prerogative or on any other ground, and is it actually our law, sanctioned on all hands by acquiescence and by use for a long tract of time?

I answer, no. There was indeed such a claim, and such an exercise of it, in the reigns of Henry VIII. and Edward VI. More or less of it certainly must have been involved in the vicar-generalship of Cromwell, and in the episcopal Commissions of both those reigns. For, although those Commissions only purported to confer on the prelates receiving them powers *præter et ultra* what had been imparted to them by Holy Scripture, yet they were powers on which the whole exercise of the office was immediately

dependent, as was plain from the terms in which they were conveyed. The claim itself is palpable even in the letter of the proceedings of the reign of Edward VI., for in the *Reformatio Legum* it is declared respecting the King as follows: "*Omnis jurisdictio, et ecclesiastica et secularis, ab eo tanquam ex uno et eodem fonte derivatur.*" \*

35. Similar language may be found in the episcopal Commissions, and in statutes of this reign. But the statutes were repealed, and remain so: the *Reformatio Legum* never gained the force of law; and with those Commissions we have nothing whatever to do. The issue of them was an extravagant stretch of the power supposed to be latent in the admission of the Royal headship. They were first issued by Henry, and after the demise of Edward VI. we hear of them no more. They were never issued by law: and the headship, of which the power to issue them may have been supposed an attribute, has itself, after subsisting for twenty-five years, been extinct for two hundred and ninety-six, as far as the Statute-book is concerned.

Whatever inference might be drawn from the use of the word Head is more than destroyed by the marked transition to the term Governor; and the idea which that term conveys is of a negative, not a positive character; it is that of a power which corrects, but does not actuate.

36. I have read with some surprise and much grief, in the work † of a clergyman of great ability and of undoubted theological learning, the assertion that in the

\* Stephens's 'Eccles. Stat.' p. 406. Similar expressions may be found in the reign of Henry VIII. See Collier, App. No. XLI.

† 'The Royal Supremacy viewed in reference to the two Spiritual Powers of Order and Jurisdiction.' By T. W. Allies, M.A., Rector of Launton, Oxon.

time of Henry VIII. the See of Rome was both "the source and centre of ecclesiastical jurisdiction," and therefore the supreme judge of doctrine; and that this power of the Pope was transferred in its entirety to the Crown.

I will not ask whether the Pope was indeed at that time the supreme judge of doctrine: it is enough for me that not very long before the Council of Constance had solemnly said otherwise, in words which, though they may be forgotten, cannot be annulled.

37. That the Pope was the source of ecclesiastical jurisdiction in the English Church before the Reformation is an assertion of the gravest import, which ought not to have been thus taken for granted. It is one which I firmly believe to be false in history, false in Law; which, in my view as an Englishman, is degrading to the nation, and, as a Christian, to the Church. This is simply to make the Pope universal bishop. But even Gratian, with his false Decretals, which magnified so enormously the Papal power, denies this office to the Pope in the following words, as cited by Van Espen: "*Universalis autem (episcopus) nec etiam Romanus pontifex appellatur.*"\* As to Van Espen's own judgment, it is almost needless to refer to particular passages. But again I go back to the Decretals, which themselves, as cited by him, declare that all the Apostles were sharers with St. Peter in the same honour and power: "*Ceteri vero Apostoli cum eodem pari consortio honorem et potestatem acceperunt.*"† The fact really is this: a modern opinion, which by force of modern circumstances has of late gained great favour in the

\* Van Espen, 'Comment. in primam partem Gratiani Dist.' 99.

† Van Espen, 'Jus Eccles.' Part I. tit. xvi. cap. 2.



Church of Rome, is here dated back and fastened upon ages to whose fixed principles it was unknown and alien ; and the case of the Church of England is truly hard, when the Papal authority of the Middle Ages is exaggerated far beyond its real and historical scope, with the effect only of fastening that visionary exaggeration, through the medium of another fictitious notion of wholesale transfer of the Papal privileges to the Crown, upon us, as the true and legal measure of the Royal supremacy.

38. It appears to me that he who alleges in the gross that the Papal prerogatives were carried over to the Crown at the Reformation greatly belies the laws and the people of that era. Their unvarying doctrine was, that they were restoring the ancient regal jurisdiction, and abolishing one that had been usurped. But there is no evidence to show that these were identical in themselves, or coextensive in their range. In some respects the Crown obtained at that period more than the Pope had ever had ; for I am not aware that the Convocation required his licence to deliberate upon canons, or his assent to their promulgation. In other respects the Crown acquired less ; for not the Crown, but the Archbishop of Canterbury was appointed to exercise the power of dispensation in things lawful,\* and to confirm episcopal elections.

39. Neither the Crown nor the Archbishop succeeded to such Papal prerogatives as were contrary to the law of the land ; for neither the 26th of Henry VIII. nor the 2nd of Elizabeth annexed to the Crown all the powers of correction and reformation which had been actually claimed by the Pope, but only such “as hath heretofore

\* 25 Hen. VIII. c. 21, sect. 3-6.

been or may *lawfully* be exercised or used.”\* But what was contrary to statute or to prerogative the Bishop of Rome could not lawfully do ; and therefore, whatever he had done of this kind, the power to do was not annexed to the Crown by the Act. Nay, more, the title of the Act itself, which generally limits and bounds the force of the contents, and which, at any rate, describes in the clearest manner the intention of the Legislature, is not “An Act for annexing to the Crown the powers heretofore claimed or used by the See of Rome,” but “An Act to restore to the Crown the ancient jurisdiction over the Estate Ecclesiastical and Spiritual, and abolishing all foreign powers repugnant to the same.” The “ancient jurisdiction,” and not the then recently claimed or exercised powers, formed the measure and the substance of what the Crown received from the Legislature ; and, with those ancient rights for its rule, no impartial man would say, that the Crown was the source of ecclesiastical jurisdiction according to the statutes of the Reformation. But the statutes of the Reformation era relating to jurisdiction, carrying, as statutes, the assent of the laity, and having been accepted by the Canons of the clergy, are the standard to which the Church has bound herself, as a religious society, to conform.

40. This principle of return to the ancient jurisdiction received in the reign of Elizabeth a very special sanction. With the Queen’s injunctions of 1559 there was an admonition, declaring it to be the meaning of the oath of supremacy that the Queen should have “sovereignty and rule over all manner of persons,” “so as no other foreign

\* 1 Eliz. c. 1, sect. xvi. The words in 26 Hen. VIII. c. 1, are certainly not larger.

power" should "have any authority over them." This was declared to be the ancient jurisdiction of the Crown, and the jurisdiction claimed by Henry VIII. and Edward VI. : and the Statute 5 Eliz. c. 1, sect. 14, refers to the Admonition as fixing the legal construction of the oath, and limiting the obligation contracted by it.

41. At the same time there are cases on record, in which the Royal jurisdiction was asserted for the supply of defects, so as to go beyond the general definition of a simply corrective power. Such were the suspensions of Archbishop Grindal and Archbishop Abbot. Of these suspensions I shall only say that I apprehend much stronger instances might be found\* of interference by Sovereigns to defend the Church against her own official rulers, which have been always considered just and laudable under peculiar circumstances, however undesirable as a general rule; and that the purpose in these cases undoubtedly was so to defend it, and to prevent its laws from being undermined and its system sapped by a latitudinarian spirit enthroned in its primatial chair.

42. The absolution of Archbishop Abbot from the canonical incapacity incurred through his having killed a man by accident, has been named as a signal instance of the height to which the supremacy was carried, but to me it appears a case so purely of the exterior *forum* as hardly to touch the question; and the instrument of dispensation itself bears the most distinct testimony to the fact that his character as a Bishop, and not the decree of the Crown, was regarded as the source of his authority: it was a commission to Bishops, issued on the prayer of the Archbishop: it declared itself to be issued "*ad*

*cautelam et ex superabundanti, ad abundantiorē cautelam, ad majorem cautelam :*" and its purpose is "*ut in susceptis ordinibus et jurisdictionibus secundum conceditam sibi ratione ordinis et archiepiscopatus sui potestatem liberè ministrare . . . valeat.*"\*

43. But, besides the executive acts of suppression above named, we have another remarkable fact, a favourite one with Roman Catholic controversialists, in the Statute 8 Eliz. c. 1, which relates to the consecrations of the first bishops of that reign. As to this Act of Parliament I would observe, in the first place, that it carefully avoids pretending to confer *proprio vigore* the episcopal character or power. It is entitled "An Act *declaring* the making and consecrating of the Archbishops and Bishops of this Realm to be good, lawful, and perfect." The doubts or questions which it recites in the preamble are on the point "whether the same were and be duly and orderly done according to the law or not:"† the remedy is partly to show that it has been "duly and orderly done, according to the laws of this realm;" and partly "to provide for the more surety thereof." It appears that Bishop Bonner had alleged that the Ordinal, repealed along with the Prayer-book in the reign of Mary, had not been separately named in the reviving Statute 1 Eliz. c. 2.‡ The objection seems to have been frivolous, since neither was it expressly named in the statute of repeal. And the true meaning to be assigned to the Act appears to be this: that it was passed *ex majori cautela*, not because the doubts entertained were supported by any strength of reasoning, but because the consecration of the Bishops was the corner-

\* Collier, ix. 376.

† Preamble, 8 Eliz. c. 1.

‡ Gibson's 'Codex,' p. 100.

stone of the ecclesiastical order, and it was therefore thought necessary to give it all the support and sanction which it could derive, as matter of law, from the most express and detailed provisions.

44. Let us, however, suppose, as may be the case, that the Act had a wider purpose than merely to meet this technical cavil on the wording of the Statutes; that it contemplated, and sought to meet, the whole of the objections urged by the partisans of the Roman See against the consecration of Parker in regard to mission and jurisdiction. Does it in this point of view sustain any such inference as that the Church of England denies the existence "of any special power to govern the Church beyond that which is in the civil magistrate"?\* Be it observed all along, the question is not whether the Statutes of the Reformation affirmed anew that which, according to the laws of the Church, was already sufficiently affirmed for ecclesiastical purposes, taken alone; but whether in making such affirmation they denied either directly or by implication that the matter in hand might have a distinct spiritual basis, independent of secular legislation.

45. We will assume, then, that the Statute intended to exclude and put to silence all objections, to include in its purview all the circumstances of the consecration of Parker, and to assert the validity of his mission and jurisdiction. Now this I allege might be done, with perfect consistency, by those who were most firmly convinced that, for spiritual purposes, all these were already valid; because upon that validity depended not spiritual acts only, but a great number of secular, and perhaps a yet greater

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\* Allies, p. 61.

number of mixed transactions, appertaining to bishops, and utterly incapable of deriving validity from theological argument, or from any source whatever except the law of the land.

46. Suppose, for instance, that a tenant of the See of Canterbury had refused to pay rent to Parker under a lease, on the ground that he was not a lawful incumbent. The very best treatise, that a Courayer could have written to show that Parker had mission and jurisdiction in the sense of the Church, would not have availed him ; nothing but a statute would have redressed the wrong ; and it was therefore reasonable to pass a statute for the purpose. And if its general aim did not disparage the inherent faculties of the Church, neither did its language ; for both in title and in preamble, as I have shown, it confined itself to legal regularity ; while, in the enacting clause touching the Bishops and clergy concerned, the provision is really worded with the utmost care, so as to avoid the supposition of a pretension to give spiritual power. It is this : that the said bishops and clergy

—“be in very deed, and *also* by authority hereof declared and enacted to be, and shall be, archbishops, bishops, priests, ministers, and deacons, and rightly made, ordered, and consecrated.”

47. Had the intention been confined to clearing up a doubtful point of statute law, the enactment would simply have declared these persons to be Bishops and clergy respectively : there was no room for a distinction between what they “be in very deed” and what they are to be “declared and enacted to be” ; but the distinction is marked in the strongest manner by the word “also” ; and in truth, while they were recited to be Bishops of the Church simply, they were declared and enacted to be

Bishops of the Church according to the laws having force within the realm.

48. Nor will it avail to say that the Legislature herein recognised only what is called the power of order as inhering in the Church, and not the power of jurisdiction. For the exercise of the power of order, or the conveyance of the episcopal character, is itself an act of jurisdiction: the whole question in doubt in this case was, whether its exercise had been good, as to certain particular instances, in the eye of law. It was expressly affirmed, by the words which I have cited, to be valid in very deed as to the conveyance of the episcopal character,\* apart from the enactment declaring and constituting it valid for the purposes of law, which is only to say, in other words, that the exercise of jurisdiction was averred to be valid for spiritual purposes, apart from the sanction of the Legislature.

49. To sum up the whole, then, I contend that the Crown did not claim by statute, either to be of right, or to become by convention, the *source* of that kind of action, which was committed by the Saviour to the Apostolic Church, whether for the enactment of laws or for the administration of its discipline: but the claim was, that all the canons of the Church, and all its judicial proceedings, inasmuch as they were to form parts respectively of the laws and of the legal administration of justice in the kingdom, should run only with the assent and sanction of the Crown. They were to carry with them a double force: a force of coercion, visible and palpable; a force addressed to conscience, neither visible nor palpable, and in its nature only capable of being inwardly appreciated.

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\* *i.e.* by "consecration." (Note in 1877.)

Was it then unreasonable, that they should bear outwardly the tokens of that power to which they were to be indebted for their outward observance, and should work only within, by that wholly different influence that governs the kingdom which is not of this world, and flows immediately from its King?

50. But while I am unable to find in the laws or principles of the Reformation, as it was settled among us, any acknowledgment that the Crown is the source of ecclesiastical and spiritual jurisdiction, I will go a step further and say, that although this is not language which could be legitimate and safe in the mouth of the Church, it is neither unintelligible, nor of necessity intolerable, as the language of law and of its professors.

Whether the Church can exist in security, and work in peace, by the side of a system of law framed on such a principle, or, which I take to have been our case, where the members of the legal profession have favoured the attachment of such a sense to laws not requiring and in strictness not properly admitting it, is a question of vital importance; but one, as far as appears to me, to be determined according to times and circumstances carefully considered, and not by hasty inferences from abstract principle.

51. I hold, then, by the proposition, that the Church cannot be made responsible for glosses put upon the law to her prejudice, and for the professional traditions which may influence the Courts, but of which she cannot minutely follow the rise, and against which she has no means of contending till a crisis is brought about; but that she is properly and morally responsible only for those statutes in their plain meaning which she has formally accepted, or else made her own by evident, general, and continued



acquiescence. Subject to this limitation, I should wish also, and earnestly, to represent how much is to be said on behalf of the Royal Supremacy, even as it is commonly understood by that profession which has always been jealous, and within certain bounds legitimately jealous, of ecclesiastical power. Even if we superadd to the restraints imposed by law upon the legislative power of the Church the doctrine that the Crown is the fountain of ecclesiastical and spiritual jurisdiction—even if we allow this, for argument's sake, as a true description of the legal relation to the Crown which the Reformed Church has inherited,—still, I say, do not let the men of the present day be too hasty in consigning the memory of their forefathers to condemnation and disgrace, but let us consider whether, even under these hard and untrue conditions, it can be pleaded against the Church of England that she has made over her spiritual trust to a secular power, and sold herself for gold.

52. Strong, indeed, are the general reasons, applicable to the state of society which has until recently prevailed, for a close amalgamation between ecclesiastical and civil authority. They are founded in human nature; and in the nature of the societies, which are the depositaries of each power respectively. They are painfully illustrated by the convulsive struggles which have arisen out of those collisions that history records.

53. We have been thus far on the question of fact, what the actual Constitution was. We come now to the question of right, how far it was accordant with the nature and obligations of the bodies concerned.

The temporal aspects of the life of man have ever been, and must always be, in the closest relations, with the spiritual. Before the advent of our Lord, the system now

called Erastian prevailed; it has all the authority of Pagan precedent. Creed, priesthood, ritual, all that constituted the religion of the masses of mankind, were in a subjection to the State, only qualified by such advantage as the necessities of the civil power and the superstition of the vulgar secured to the priesthood. The religion of the world was broken up into fragments, and the State determined the order and the relations in which these fragments should stand side by side. Now the State was a power borne to universal command, and to very high and sacred duties. Its first and inalienable vocation, says Savigny,\* was to make the idea of right as between man and man dominant in the visible world. What part of life is there, whether domestic, civil, or religious, that is not in some sense touched by this all-embracing yet, I must add, this just definition?

54. But, after the promulgation of the Gospel, it was found that a new society had been established in the world, claiming to pervade all lands and to command the allegiance of all men in each of them. This allegiance, too, though spiritual in its kind, yet reached in some sense to all their acts, because all the acts of a Christian were to be done to the glory of God, and therefore must needs be under the guidance of the spiritual principle, which has its home in the Church, and whose light came by the channel of her teaching. It is true that this latter kingdom was a kingdom not of this world, but it was in this world. It had numberless points of necessary contact with this world's affairs; and the infirmity and corruption that belong to man, in or out of the hierarchy, wrought constantly to increase them by adding others,

\* Savigny, Röm. Recht. b. 1, c. 2, s. ix.

which were needless, and hurtful to spiritual ends. How to adjust the claims made by these two authorities upon the same ground and in the same subject-matter, each claiming universal command, though in respects primarily distinct, was a problem, not indeed impossible of solution, but yet the most difficult, as history bears witness, that has ever been presented to man in his social relations.

55. There were indeed periods, such as that of Constantine, and more especially of Justinian and Charlemagne, when the harmony of the Church and the State might have seemed to be perfect, and yet all that was necessary for the separate freedom of each to be secured. But there were other periods, extending over generations, or even centuries, when miscarriages in regard to this problem had convulsed Christendom with its longest and bloodiest wars. In no country had there been more frequent and habitual collision than in our own, between the civil power on the one hand, and the Papal chair, with its English partisans, on the other.

56. Now the records of history appear to show that, in days long antecedent to the Reformation, which were prosperous and honourable to both the parties in this great arbitrament, the basis on which they co-operated was this. The civil power lent the support of law and the strong hand to the decrees of the Church, and aided her to make head against the anarchy of the times; the Church promulgated those decrees under the sanction of the civil power, and thus afforded it an adequate guarantee against the encroachments of priestly ambition; while to the people law was presented as an unity, and escaped the risk of losing by division, and perhaps by conflict, the force of its claim on their obedience. It is not necessary

to examine up to what precise point this is true, or whether at any time it extended so far as to a formal contract on the part of the Church, surrendering her separate action: all that is now assumed is this, that in such periods as those of Justinian and Charlemagne the general rule was such as has been described.\* The famous Submission of the English clergy carried that general rule into fixed agreement.

57. But, although the rules of ecclesiastical order thus went forth in the garb and with the sanctions of civil law, there was in this no real disparagement to the office of the Church, because the hand of the State in Church affairs, which externally affixed the seal of law, was guided by the mind of the Church. It was not the mere personal will of Justinian that framed the Pandects, and in them gave to the world an immortal store of the principles of civil jurisprudence; but it was the legal mind of his age that collected from all points of the social compass, and reduced into written maxims, the matured fruits of former wisdom and experience, and fashioned them for systematic and authoritative use. Even so, in the work of ecclesiastical legislation, although the stamp of civil sovereignty gave visible and coercive authority to legislation that was to bind at once in the exterior and the interior *forum*, it was the mind of the Church that advised and informed the Emperor, and practically determined the matter to which obedience was to be paid.

58. The conditions under which Church-power was to be exercised and issued were, in truth, much more than any question of endowment, the real terms of the contract

\* This subject has been very ably treated in an article of the *Christian Remembrancer* for April 1850, entitled "Church and State."

between Church and State. Endowment, as it became the foundation of patronage, became also the subject of an important and difficult section of Church-law; but that reciprocity of concessions, and intermixture of action, which lie at the root of the idea of contract, are hardly traceable in the history of endowments beyond the one very weighty question of the law of patronage. It is in the mechanism devised for Church legislation, that the contract of the State with the Church is mainly to be read.

59. The apology, therefore, or excuse of the English clergy when they made their celebrated submission to Henry VIII., and formally conceded to him both the initiative and the veto upon ecclesiastical canons, is surely to be found in this. They may have looked back upon the incessant struggles of England with the Papacy, during the centuries from the Conquest to their own age, for warning, and yet further back upon the great and cardinal periods of the history of the Church, under the three Emperors in particular who have been named, for imitation. In reviewing those periods, they probably perceived how, where Church-law was running under the authority of a State all whose members individually owned allegiance to the Church, the Catholic faith grew in honour and extension, and the guarantees of social order were maintained. They had also another precedent, less commanding in dignity, but nearer to them, and yet closer to the subject, in the promulgation of the ecclesiastical laws of Anglo-Saxon times under the ostensible authority, not so much joined as mixed, of all those who met in the councils of the nation, whether spiritual or lay persons: a precedent, to which they might reasonably give much weight.

60. Nay more : this is, surely, an explanation of their conduct much more according to charity than the supposition that the bishops and clergy of a great Christian kingdom, and that kingdom our own noble and true-hearted England, were so drowned in corruption, and so lost to every consideration of decency and honour, that with their eyes open they surrendered to the secular authority the sacred charge of the Church in the custody of the Christian faith and discipline. But it is also far more rational as well as more charitable ; first, because these extravagant imputations of universal degradation upon such bodies of men are in reality, as a general rule, fanatical and irrational to the highest degree ; secondly, because the basis on which they placed themselves was not in the main a novel invention, but one known to history, and recommended by the actual working of the relations of the Church and the State at the times when they had been founded upon it.

61. Of course it is not intended to question that secondary motives may have had a very large share in producing the decision at which the English Convocation then finally arrived. Probably, without the fear of the *præmunire* and of the violent character of the King, that decision might not have been attained. But those who would on this account shut out the possible concurrence of better motives, should recollect that all the impure considerations were not on one side. Ambition and cupidity would incline the clergy to retain their powers with the same kind of force, and perhaps with as much force, as the fear of *præmunire* would prompt their relinquishment. The question is, did they deliberately sacrifice, on the altar of Mammon, the sacred deposit of Church authority ? I say, no : they gave to the

Crown an absolute control over ecclesiastical legislation, in conformity with the tendencies which the works of some unreforming bishops had evinced, even before Henry's quarrel with the Pope; in conformity with the known practice, if not with any abstract declaration of the ages best to follow, and probably in a trust not unreasonable that the more frank and formal adoption of the same principles would be attended with the same happy results. It does not, indeed, seem too much to express a doubt, whether there was any other way than the concession of this control over ecclesiastical legislation to the Crown, by which the order of civil society could, in those times of profound movement and imperfect social organisation, be maintained.

62. Let us not judge the deeds of that generation by standards transferred to them from our own time and experience. We now see countries in which religious communities make regulations for themselves, apart from any sanction of the State, other than the protection which it affords to all agreements not contrary to the public law. But how great are the changes, by which separate action of this kind has been rendered practicable, and safe to society! How has the domain of ecclesiastical legislation been narrowed; the possessions of the Church reduced from a third\* in some countries, and in others even a half, to a fiftieth or a hundredth part of the aggregate property of the country: above all, the religious disintegration of the body, the sway of private opinion, the diversity of sects and schemes of religion that now prevail, have so neutralised and wasted the political forces (so to speak) of religion, that freedom, as we have recently seen in Scotland, is the utmost to which she aspires, and that of

[So estimated, possibly with exaggeration.—W. E. G., 1878.]

encroachment on civil right, when free, she does not dream.\*

63. Yet, even now, there is no European country in which ecclesiastical societies are exempt from civil control: if we except the melancholy instance in which Religion still with her own hands administers a kingdom of this world, and withholds from the people rights analogous to those of other nations not more worthy, upon the miserable and most destructive plea, that their political servitude is necessary to the ecclesiastical order of the rest of the Roman communion. An instance most melancholy, because the interests of religion are thus represented as requiring, in a form the most unequal, civil degradation for their support; and because, alone among Christian states, the throne of the greatest Bishop of Christendom depends not on the will, the wisdom, the affections, or even the indifference, of the people, but is wholly and undisguisedly sustained, in despite of their aversion, and in constant fear of their resistance, by foreign arms.

64. But to pass to the rule from the exception, or rather the inversion, which perhaps confirms it. In every other country of Europe, the Church is still, even for spiritual purposes, in more or less of subordination to the State. I do not speak of the yet untested, and among us but imperfectly detailed, concessions to the Church in Austria,† of which we have but just heard. The law of Austria, as previously known, was one of stringent control. Even in France and in Belgium, where the Church has gained so greatly by revolutions, she is still under such control, in

\* The reader will bear in mind the date of this Letter.

† [By the Concordat since abolished.—W. E. G., 1878.]



respect to that large portion of her work which is connected with the education of the young.

65. It may, indeed, be said, and with truth, that the principle of this control is admitted very generally by the Protestants of the Continent, while in the case of the Roman Catholics it is rendered necessary by their connection with a foreign see; but that as all such connection was cut off by the acts of the reign of Henry VIII., the Church, deprived of her alliances abroad, might have been left more free. I waive the question, on which much might be said, whether, as matters then stood, the abolition of the Papal jurisdiction was to the Church of England more *per se* a privation or a relief. But those who assume without question that her freedom need have caused to the civil power no just alarms, should remember what a powerful incorporation she was at the time.

66. As to property, she was possessed of a third part of the land of the kingdom.\* As to learning, she alone directed the whole machinery of education. As to law, her ministers were an isolated, and for all the most important purposes, including that of taxation, a self-governing community. As to direct political power, her bishops and abbots were a numerical majority of the most important of the two Houses of Parliament. As to influence, her command over personal action by sacramental confession was such as would alone have sufficed for her security. Looking back to these and other facts, I for one cannot censure either those who asked, or those who agreed, that all the legislative proceedings of the Church should thenceforward be subject to the permission and sanction of the Crown; provided only they had reason to suppose that

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\* But see note on Par. 62.

the powers, which they then consented to recognise, were to be used towards the clergy and the Church, as it was the duty of the Crown to employ all other powers owned by the constitution; that is to say, in the spirit of general equity and justice, according to the paths of law and usage, and for the advantage of the subject.

67. Before leaving the question as to legislation for the Church, I would observe, that those who are arguing that the Church of England abandoned her office at the Reformation, and therefore has lost its authority, must, on every ground of right and reason, proceed *strictly*. It will not do to convict her of "constructive" treason, a doctrine leaving no defence to innocence against the bias of the judge. In her, as in every other body, the legislative was the highest power. Did she, or did she not, ever make a semblance of surrendering it? Only we must not answer this question by mixing up together all that belonged to the arbitrary character of the King, the confusion of the times, the real necessities of such times, the general tendency to heighten prerogative and restrain liberty, the claims of rival power, the high-flown ideas of prerogative lawyers; and then, out of all these jointly, filling up every gap with hostile inferences, piece together the members of a charge, not against the men, but against the institution of which they were the trustees.

68. Regarding, then, the case as it stands in evidence, I cannot find the slightest trace of anything, beyond control, given to the Crown, with respect to the enactment of Church canons. The Reformation statutes did not leave the Convocation in the same position, relatively to the Crown, as the Parliament. It was under more control; but its inherent and independent power was even thereby more directly recognised. The King was not the

head of Convocation. It was not merely his Council. The Archbishop was its head, and summoned and prorogued it. It was not power, but leave, that this body had to seek from the Crown, in order to make canons. A canon without the royal assent was already a canon, though without the force of law; but a bill which has passed the two Houses is without force of any kind until that assent is given. Again, the royal assent is given to canons in the gross, to bills one by one; which well illustrates the difference between the control in the one case, and the actuating and moving power in the other.

69. But the language of those instruments respectively affords the clearest and the highest proof. In the Canons (Canon I.) we find the words, "We decree and ordain"; that is, we the members of the two Houses of Convocation. But in our laws, "Be it enacted by the King's most excellent Majesty, with the advice and consent of the Lords spiritual and temporal, and Commons." Whereas in the Canons the King does everything except enacting: with a remarkable accumulation of operative words he assents, ratifies, confirms, and establishes; propounds, publishes; and enjoins and commands to be kept.\* Every one of these words recognises that the canon has a certain force of its own, while it purports to convey, and does convey, another force. In the one case the Crown is the fountain of the whole authority of the law; the Lords and Commons are its advisers. In the other case, the Convocation decrees and ordains; the King gives legal sanction and currency to that which, without such sanction, would have remained a simple appeal to conscience. In statutes, the King enacts, with the advice and assent

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\* Letters Patent, appealed to the Canons of 1604.

of Parliament; in canons, the Convocation enacts, with the licence and assent of the Crown. I now speak not of what is desirable or otherwise, but simply of the matter of fact: from which it appears that the idea of a separate spiritual power for legislative purposes was much more carefully preserved (and with good reason) by the statutes of Henry VIII., than it had been when Church-law went forth, in the Capitularies of Charlemagne, or in the Code and Novels of Justinian, undistinguished as to the form of its authority from laws purely civil.

70. Let it be seriously considered whether, so far as the essence of the principles of the Church is concerned, there was any violation of them in this submission and promise of the clergy, more than in the *Placitum regium* which the See of Rome itself, with however bad a grace, has been obliged to endure, and which the whole Gallican Church, the most learned and illustrious of all the daughters of the Roman See, and with it the entire Cisalpine school, cordially received. This *Placitum*, says Van Espen, comes to exist in consideration of the necessary impact of ecclesiastical laws upon the civil rights and secular interests of men. It cannot be restricted to any particular class of subjects. It reaches even to those bulls of the Pope which are dogmatical. "*Ex hactenus dictis concluditur, placitum regium æquè requiri ante publicationem bullarum dogmaticarum, quam cæterorum rescriptorum.*" And he quotes an author, much more favourable than himself to the Papal power, who nevertheless holds it allowable;

"*Potestatem sæcularem mandare aut constituere, ut sine suo beneplacito et examine nemo pareat hujusmodi Litteris, vel executioni mandet easdem.*"\*

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\* Van Espen, 'de Promulg. Leg. Eccles.' part V. cap. 2, sec. iv.

71. It seems to be becoming a fashion in France, not merely to disown Gallicanism, but to denounce it as a schism, and even as a heresy.\* But the growth of that fashion, however it may tend to simplify the plea for the Roman Church, does so at the expense of history, and of the ultimate interests of all Christian belief; and in no way derogates from the real force of the precedents which the case of France affords, as they are applicable to the times of which we now treat.

72. But while, according to the letter and spirit of the law, these appear to be the limits of the royal supremacy in regard to the legislative, which is the highest, action of the Church, I do not deny that in other branches it goes farther; and will now assume that the supremacy "in all causes," which is at least a claim to control at every point the jurisdiction of the Church, may also be construed to mean as much as that the Crown is the ultimate source of jurisdiction of whatever kind.

73. Here, however, I must commence by stating, that, as it appears to me, Lord Coke and others attach to the very word "jurisdiction" a narrower sense than it bears in popular acceptance, or in the works of canonists; a sense which excludes altogether that of the canonists; and also a sense which appears to be the genuine and legitimate sense of the word in its first intention. Now, when we are endeavouring to appreciate the force and scope of the legal doctrine concerning ecclesiastical and spiritual jurisdiction, it is plain that we must take the term employed in the sense of our own law, and not in the different and derivative sense in which it has been

\* [My reference is to the writings of Cormenin; but I cannot now cite the passage.—W. E. G., 1878.]

used by canonists and theologians. But canonists themselves bear witness to the distinction which I have now pointed out. The one kind is *Jurisdictio coactiva, propriè dicta, principibus data*; the other is *Jurisdictio impropriè dicta ac merè spiritualis, Ecclesiæ ejusque Episcopis a Christo data*.\* Nor was this distinction wholly lost sight of even in the reign of Henry VIII., as is evident from the Episcopal Commissions; and from a remarkable paper in Collier's Appendix, where we are told that the clergy of England have of the King "all manner of jurisdiction and goods; save only such mere spiritualties as were granted unto them by the Gospels and Holy Scriptures."†

74. Properly speaking, I submit that there is no such thing as jurisdiction in any private association of men, or anywhere else than under the authority of the State. *Jus* is the scheme of rights subsisting between men in the relations, not of all, but of civil society;‡ and *jurisdictio* is the authority to determine and enunciate those rights from time to time. Church authority, therefore, so long as it stands alone, is not in strictness of speech, or according to history, jurisdiction, because it is not essentially bound up with civil law.

75. But a time arrived when the State and the Church came to be united, by the conversion of nations, and the submission of the private conscience to Christianity, and when the Church placed her power of self-regulation under the guardianship of the State, while the State annexed its own potent sanctions to rules, which without

\* Van Espen, 'Deductio Juris et Facti,' cap. iii. vol. iv. p. 273, ed. 1753.

† Collier, ix. 165.

‡ "*Jus hominum situm est in generis humani societate*."—Cic. Tusc. i. c. 26.

it would have been matter of mere private contract. Then *jus* or civil right soon found its way into the Church; and the respective interests and obligations of its various orders, and of the individuals composing them, were regulated by provisions forming part of the law of the land. Matter ecclesiastical or spiritual, moulded in the forms of civil law, became the proper subject of ecclesiastical or spiritual jurisdiction, properly so called.

76. Now inasmuch as laws are abstractions until they are put into execution, through the medium of executive and judicial authority, it is evident that the cogency of the reasons for welding together, so to speak, the civil and the ecclesiastical sanction, is much more full with regard to these latter branches of power than with regard to legislation.

77. There had been in the Church, from its first existence as a spiritual society, a right to govern, to decide, to adjudge for spiritual purposes; that was a true self-governing authority, but it was not properly jurisdiction. It naturally came to be included, or rather enfolded, in the term, when for many centuries the secular arm had been in habitual co-operation with the tribunals of the Church. The thing to be done, and the means by which it was done, were bound together; the authority, and the power, being always united in fact, were treated as an unity for the purposes of law. As the Potentate possessing not the head but the mouth or issue of a river, has a right to determine what shall pass to or from the sea, so the State, standing between an injunction of the Church and its execution, has a right to refer that execution wholly to its own authority.

78. There was not contained or implied in such a doctrine any denial of the original and proper authority

of the Church for its own self-government; or any assertion that it had passed to and become the property of the Crown. But that authority, though not in its source, yet in its exercise, had immersed itself in the forms of law; had invoked and obtained the aid of certain elements of external power, which belonged exclusively to the State, and for the right and just use of which the State had a separate and independent responsibility, so that it could not without breach of duty allow them to be parted from itself. It was therefore, I submit, an intelligible, and, under given circumstances, a warrantable scheme of action, according to which the State virtually said: Church decrees, taking the form of law, and obtaining their full and certain effect only in that form, can be executed only as law; and, while they are in process of being put into practice, can only be regarded as law; and therefore, the whole power of their execution, that is to say all jurisdiction in matter ecclesiastical and spiritual, must, according to the doctrine of law, proceed from the fountain-head of law, namely, from the Crown. In the last legal resort there can be but one origin for all which is to be done in societies of men by force of legal power; nor, if so, can doubt arise what that origin must be.

79. If you allege that the Church has a spiritual authority to regulate doctrine and discipline, still, as you choose to back that authority with the force of temporal law, and as the State is exclusively responsible for the use of that force, you must be content to fold up the authority of the Church in that exterior form, through which you desire it to take effect. From whatsoever source it may have come originally, it comes to the subject as law; it therefore comes to him from the fountain of law. He is not to ask, from whence it came to that



fountain: whether, like the temporal power, from God directly but indeterminately; or whether it came from Him indirectly but determinately; indirectly, as through the medium of the Church, but determinately, as cast in the mould of her Faith. The faith of Christendom has been received in England: the discipline of the Christian Church, cast into its local form, modified by statutes of the realm, and by the common law and prerogative, has from time immemorial been received in England; but we can view them only as law, although you may look further back to the divine and spiritual sanction, in virtue of which they acquired that social position, which made it expedient that they should associate with law, and should therefore become law.

80. This distinction is well expressed in one of the statutes of Henry VIII. with respect to the Papal privileges:

“This your Grace’s realm, recognising no superiority under God but only your Grace, hath been and is free from subjection to any man’s laws, but only to such as have been devised, made, and obtained within this realm, for the wealth of the same, or to such other as, by sufferance of your Grace and your progenitors, the people of this your realm have taken at their free liberty by their own consent to be used among them, and have bound themselves by long use and custom to the observance of the same, *not as to the observance* of laws of any foreign prince, potentate, or prelate, but as to the customed and ancient laws of this realm originally established as laws of the same, by the said sufferance, consents, and customs, and none otherwise.”\*

That is to say, the origin of the matter of the law might be one thing, and the aspect under which it was to be regarded as law was another.

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\* 25 Hen. VIII. c. 21, Preamble.

81. Nor was this principle, thus broadly laid down, without its proper safeguards; for it was in this very Act of Parliament that, while claiming for England an absolute control over the whole body of law, current or to be current in England, apart from any standing foreign authority, the Parliament inserted the very remarkable section, which imposes a certain limit on the interpretation of the Act, apparently for the purpose of introducing a solemn declaration of principle. It commences thus :

“ Provided always, that this Act, nor any thing or things therein contained, shall be hereafter interpreted or expounded that your Grace, your nobles and subjects, intend by the same to decline or vary from the congregation of Christ’s Church in any things concerning the very articles of the Catholic faith of Christendom, or in any other things declared by Holy Scripture and the Word of God, necessary for your and their salvations, but only to make an ordinance by policies necessary and convenient to repress vice, and for good conservation of this realm in peace, unity, and tranquillity, from ravin and spoil, insuing much the old ancient customs of this realm in that behalf.”\*

82. In this Act, and in the old legislation of the time, the divine law seems to be taken for granted as something known to all, and never to be the subject of doubt or change. They no more thought of alteration in that respect, or of vindicating a jurisdiction over it, than we should so think with respect to the laws of arithmetic. In comparing that period with this, and in construing those laws, we should take into account the declining force and clearness of faith in objective, that is, in substantive, fixed, and independent truth. In these observations concerning the common legal doctrine about eccle-

\* 25 Hen. VIII. c. 21, s. 19.

ciastical jurisdiction, I have not strained, as I believe, the constitution of the country to suit a favoured purpose; nor, on the other hand, have I in admissions gone beyond the range of principles that have been held by high and established authorities, even within the Church of Rome.

83. I have suggested, that in asserting the Crown to be the source of ecclesiastical jurisdiction, we should not necessarily deny that original self-governing authority in the Church, which is so notorious in history that it less requires to be guarded by verbal recognitions; but should leave the question entirely open, how and from what source that authority, or any part of it, came to the Crown. And this assertion I will support, by pointing out the existence of an exact parallel as regards secular jurisdiction. It is the unequivocal doctrine of the constitution, that the Sovereign is the fountain-head, in relation to the subject, not only of all executive and judicial power in civil matters, but of the power of legislation. But yet I apprehend it is open to any man to question, without offence, whether that power is derived to the Crown from the ordinance of God, or whether through the popular consent or delegation. In the one case there is nothing between the Crown and the Divine ordinance; which is the Erastian theory when applied to the Church, and, if taken in its native rigour, the theory of the Non-jurors as it affects the State. In the other case we may, as political speculatists, either rank with those who nakedly hold the popular sovereignty, or with those who choose a firmer and safer ground in the traditions of English history, and show from them, that according to the actual development of our constitution, the Crown had not only duties towards the nation, but duties founded on compact.

84. And in like manner, we may acknowledge the ecclesiastical jurisdiction of the Crown without in any degree disparaging the inherent self-governing capacities of the Church. We may give reasonable effect to the facts of Christian history, recording the foundation by our Lord Himself of a spiritual society—its endowment with the powers of teaching and self-government—its propagation through the countries of the earth—its succession through the centuries of history; and may regard the annexation of its spiritual authority, in any of its branches, to the civil power, as one of the many incidents of its varied but never-failing fortunes, an incident becoming, under a course of favourable circumstances, possible; useful, necessary; and then again, when the tide has turned, capable of a tendency to become inconvenient, or useless, or even immoral and destructive.

85. The other assertion, that this doctrine is one which has had high countenance among the most reasonable theologians of the Roman Church, I shall simply support by a quotation from Van Espen, which, when it was called in question, he explained by stating, agreeably to what I have already cited, that it referred to all jurisdiction properly so called.

*“ Verum sicuti Ecclesiæ atque religionis curam crediderunt Principes Christiani ipsis Episcopis tanquam præcipuis ejus ministris, et Apostolorum successoribus, ita quoque ipsis correctionem eorum, quæ Ecclesiam et religionem, ejusque disciplinam spectant, detulerunt; præsertim tamen si quid, quod hanc turbaret, a clericis, seu inferioribus Ecclesiæ ministris, fieri contingeret.”\**

86. The real question, I apprehend, is this: when the Church assented to those great concessions which were

embodied in our permanent law at the Reformation, had she adequate securities that the powers so conveyed would be exercised, upon the whole, with a due regard to the integrity of her faith, and of her office, which was and has ever been a part of that faith? I do not ask whether these securities were all on parchment or not—whether they were written or unwritten—whether they were in statute or common law, or in fixed usage, or in the spirit of the constitution and in the habits of the people; I ask the one vital question, whether, whatever they were in form, they were in substance sufficient?

87. The securities, which the Church had, were these: first, that the assembling of the Convocation was obviously necessary for the purposes of taxation; secondly, and mainly, that the very solemn and fundamental laws, by which the jurisdiction of the see of Rome was cut off, assigned to the spirituality of the realm the cares of matters spiritual, as distinctly and formally as to the temporalty the care of matters temporal: and that it was an understood principle, and (as it long continued) a regular usage of the constitution, that ecclesiastical laws should be administered by ecclesiastical judges. These were the securities on which the Church relied; on which she had a right to rely; and on which, for a long series of years, her reliance was justified by the results.

88. I shall now endeavour to support the representation which I have given of the legal doctrine concerning ecclesiastical jurisdiction by citations; and I shall refer chiefly to Lord Coke, because, as he was both a high prerogative lawyer, and of Erastian tendencies in regard to the Church, whatever can be proved from his mouth in her favour may be regarded as proven *à fortiori*; supporting, at the same time, my allegations as to the securities on

which the Church warrantably relied, by reference to the statutes of the period.

89. Lord Coke, then, appears to proceed most unequivocally upon these principles—and to proceed upon them, not as debatable matter, but as maxims placed beyond all doubt by the theory and practice of the constitution :

That all jurisdiction, as well ecclesiastical as temporal, proceeds from the Crown.

That all the laws of the realm are the King's laws.

And all the courts of the kingdom the King's courts ; and this whether their acts run in the King's name, or in the names of Bishops, lords of manor, or other subjects.

That the Church of England has no laws except such as are laws of the realm.

That all the laws of the realm affecting the Church are likewise laws of the Church.

That the 24 Hen. VIII. c. 12, is a great constitutional statute, distinctly marking out a province of ecclesiastical, and another province of civil, causes.

That the laws ecclesiastical are for the settlement of "causes of the law divine, or of spiritual learning."†

That the laws temporal are "for trial of property of lands and goods, and for the conservation of the people of this realm in unity and peace, without rapine or spoil."‡

That the laws ecclesiastical are necessarily to be administered in ecclesiastical courts and by ecclesiastical judges : § as the laws temporal are "administered, adjudged, and executed by sundry judges and ministers

\* See also Phillimore's 'Burn,' vol. ii. p. 51.

† 24 Hen. VIII. c. 12.

‡ *Ibid.*

§ Cawdrey's Case, p. lxxvii.

of the other part of the said body politic, called the temporality: and both these authorities and jurisdictions do conjoin together in the due administration of justice, the one to help the other."

That "the archbishops, bishops and their officers, deans, and other ministers which have spiritual jurisdiction," are "the King's judges" for ecclesiastical purposes."†

That the Convocation of the Clergy is a court of which "the jurisdiction is to deal with heresies and schisms, and other mere spiritual and ecclesiastical causes;" and "therein they did proceed *juxta legem divinam et canones sanctæ ecclesiæ*."

That they did so before the Reformation, under the King's writ, often under his prohibition to meddle with civil matters; often, likewise, with his Commissioners present to take cognisance of all they might do; so that the Statute 25 Hen. VIII. cap. 19, requiring the royal assent to canons, "is but declaratory of the old common law."‡

That the purpose of the Reformation statutes, as understood and solemnly expressed by their framers, was to vindicate and restore to the Crown the ancient jurisdiction which it had enjoyed in previous times; and which ancient jurisdiction extended over all ecclesiastical and spiritual causes.§

90. With these principles Blackstone is in accordance; and in regard to heresy in particular, while he states that

\* Quoted in the Institutes, vol. vi. part iv. ch. 74.

† *Ibid.* ‡ *Ibid.*

§ These propositions are chiefly taken from the Institutes. Matter of the same nature will be found in the Report of Cawdrey's Case, particularly at pp. xxvi. xxviii. xxxvi.-ix. xlvii. l. lv.-viii. lxii. lxxvi. lxxvii.

the crime might be more strictly defined, and that nothing should be prosecuted as heretical until it has been so declared by proper authority, he also avows that "under these restrictions, it seems necessary for the support of the national religion that the officers of the Church should have power to censure heretics."

91. The jurisdiction of Convocation as a court for the trial of heresy was asserted in 1711 by the twelve judges and the law-officers of the crown; and all of these, except four judges, considered this to be a jurisdiction over the persons as well as over the tenets of the offenders.†

92. If such be the view of the expositors of the law, let us turn now to the law itself.

The citations I shall make will be for the establishment mainly of these two positions:

First, that all which the civil power claimed, and consequently is entitled to claim, and the Reformation statutes, was the restoration of the ancient rights of the Crown.

Secondly, that the administration of the ecclesiastical laws would, according to the terms, as well as the spirit, of those statutes, be placed in the hands of ecclesiastical judges.

93. (I.) It is well to commence with the Act of the 1st of Elizabeth, c. 1, because it is even to this day the charter of the Constitution in reference to the subject-matter.

*Title.*—"An Act to restore to the Crown the ancient jurisdiction over the Estate ecclesiastical and spiritual, and abolishing all foreign powers repugnant to the same."

\* Vol. iii. p. 49.

† Opinion of the Judges, reprinted from Whiston. Parker, 1850.



*Preamble.*—"In time of the reign of your most dear father, of worthy memory, King Henry the Eighth, divers good laws and statutes were made and established, as well for the utter extinguishment and putting away of all usurped and foreign powers and authorities out of this your realm, and other your Highness's dominions and countries, as also for the restoring and uniting to the imperial Crown of this realm the ancient jurisdictions, authorities, superiorities, and pre-eminences to the same of right belonging or appertaining."

Sect. 2 repeals 1 & 2 Ph. and M. c. 8, "for the repressing of the said usurped foreign power, and the restoring of the rights, jurisdictions, and pre-eminences appertaining to the imperial Crown of this your realm."

And sect. 17 provides that "such jurisdictions, privileges, superiorities, and pre-eminences, spiritual and ecclesiastical, as by any spiritual or ecclesiastical power or authority hath heretofore been or may lawfully be exercised or used for the visitation of the ecclesiastical state and persons, and for reformation, order, and correction of the same, and of all manner of errors, heresies, schisms, abuses, offences, contempts, and enormities, shall for ever, by authority of this present Parliament, be united and annexed to the imperial Crown of this realm."

94. The language of this Act was in entire conformity with that of the Acts of Henry VIII.:

With the preamble of the great statute for the restraint of appeals which is set lower down:

And, so far as it goes, with the 37 Henry VIII. cap. 17, now repealed, which declares that "your most royal Majesty is and hath always justly been, by the word of God, supreme head in earth of the Church of England."

But the Act of Elizabeth stops short of the enactments of Henry VIII., and, as we know, advisedly.\*

\* Since 1850, this proposition has been vividly illustrated in Mr. Froude's 'History of the Reign of Queen Elizabeth.' (Note in 1877.)

Reference has already been made to the oath contained in the Act, and to the legislative construction which has been put upon it.

95. (II.) The preamble of the great Statute of Appeals\* (1532) is full and conclusive on both points which are under our consideration, and, long as it is, it deserves the most careful perusal and consideration. It is as follows :—

“Where by divers sundry old authorities, histories, and chronicles it is manifestly declared and expressed that this realm of England is an empire, and so hath been accepted in the world, governed by one supreme head and king, having the dignity and royal estate of the imperial crown of the same :

“Unto whom a body politic, compact of all sorts and degrees of people, divided in terms and by names of spirituality and temporality, been bounden and owen to bear, next to God, a natural and humble obedience :

“He being also institute and furnished by the goodness and sufferance of Almighty God with plenary, whole, and entire power, pre-eminence, authority, prerogative, and jurisdiction, to render and yield justice and final determination to all manner of folk, resiants, or subjects within this his realm, in all causes, matters, debates, and contentions happening to occur, insurge, or begin within the limits thereof, without restraint or provocation to any foreign princes or potentates of the world :

“The body spiritual whereof having power, when any cause of the law divine happened to come in question, or of spiritual learning, then it was declared interpreted, and showed, by that part of the said body politic called the spirituality, now being usually called the English Church, which always hath been reputed, and also found of that sort, that both for knowledge, integrity, and sufficiency of number, it hath been always thought, and is also at this hour, sufficient and meet of itself, without the intermeddling of any exterior person or persons, to declare and determine all such

\* 24 Hen. VIII. c. 12.

doubts, and to administer all such offices and duties, as to their rooms spiritual doth appertain :

“For the due administration whereof, and to keep them from corruption and sinister affection, the king’s most noble progenitors, and the antecessors of the nobles of this realm, have sufficiently endowed the said Church both with honour and possessions :

“And the law temporal, for trial of property of lands and goods, and for the conservation of the people of this realm in unity and peace, without rapine or spoil, was and yet is administered, adjudged, and executed, by sundry judges and ministers of the other part of the said body politic, called the temporality :

“And both their authorities and jurisdictions do conjoin together in the due administration of justice, the one to help the other.”

The second section proceeds to recite that laws had been made at divers times to preserve the independence of the Crown and its “jurisdiction spiritual and temporal,” but that more were required.

96. In this most remarkable and perhaps unparalleled preamble we are to observe set forth in the most formal manner :

1. The assertion of the ancient independence of the realm of England.
  2. Of the division of the nation into clergy or the spirituality, and laity or the temporality.
  3. Of the supremacy of the Crown, in all causes whatsoever, over both.
  4. Of the authority, fitness, and usage of the spirituality to administer the laws spiritual.
  5. Of its endowment for that very end.
  6. Of the parallel authority, fitness, and usage of the temporality to administer the laws temporal, which are defined to be for temporal ends.
  7. Of the alliance between these two jurisdictions.
97. But will it be said that, though the language

of this important statute asserted the principle that Church laws should be administered by Church officers, yet subsequent laws completely altered the case; and while, according to the first, appeals terminated with the archbishop, according to the latter they went on to the King, and power was also given to the Crown, in the 1st of Elizabeth, to redress abuses by the instrumentality of any persons being natural born subjects?

The answer surely is that the construction of those enactments was fixed by known usage in a manner perfectly accordant to the preamble of the 24 Henry VIII. c. 12: that such usage was as imperatively required by the spirit of the constitution, as that the Crown should appoint for its judges in the temporal courts, men learned in the law; and that the ground of this usage is fully and constantly recognised by the principle of the lawyers that there must be Ecclesiastical Courts to administer the laws of the Church, and by the practice which prevailed for many generations after the passing of these statutes.

98. I shall produce two more testimonies from the reign of Henry VIII.

The first is the title of an Act of Parliament since repealed, and therefore only of use to show the intention of the time. It is the 32 Henry VIII. c. 26, and runs thus:\*

“All decrees and ordinances which, according to God’s word and Christ’s Gospel, by the King’s advice and confirmation by his Letters Patents, shall be made and ordained by the archbishops, bishops, and doctors appointed, or to be appointed, in and upon the matter of Christian religion and Christian faith, and the lawful rights,† ceremonies, and observations of the same, shall be in every

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\* The title of 32 Hen. VIII. c. 15 has a similar effect.

† Rites?

point thereof believed, obeyed, and performed, to all intents and purposes, upon the pains therein comprised. Provided that nothing shall be ordained or devised which shall be repugnant to the laws and statutes of this realm."

The object is to give the force of law to canons of the Church not contrary to the law of the land; but the Act clearly shows that it was presumed, at the date of its passing, that such laws would be made\* only by the bishops and learned clergy.†

99. We have another remarkable attestation of the intention and engagement of the State, that the laws of the Church should be administered by ecclesiastical judges, afforded by the Act 37 Henry VIII. c. 17.

Its object is to render lawful the exercise of ecclesiastical jurisdiction by doctors in civil law, if appointed to the office of chancellor, vicar-general, commissary, official, scribe, or registrar, being either lay or married persons; and its terms are strictly confined to such doctors, who were by their profession members of the Church, and students and teachers of her jurisprudence.

100. It recites that, though any canons forbidding such persons to exercise ecclesiastical jurisdiction had been abolished, yet the bishops and other spiritual persons acted at that date (1545) as if the disqualification had been still in force.

And it proceeds to enact—

"That all and singular persons, as well lay as those that be now married or hereafter shall be married, being doctors of the civil law . . . . which shall be made . . . . to be any chancellor, vicar-

\* *Made*, i.e. framed. (Note in 1877.)

† I cannot positively say whether the word 'doctors' may not include lay civilians. (Note in 1877.)

general, commissary, official, scribe, or register . . . may lawfully execute and exercise all manner of jurisdiction commonly called ecclesiastical jurisdiction, and all censures and coercions appertaining or in anywise belonging unto the same, albeit such person or persons be lay, married or unmarried, so that they be doctors of the civil law, as is aforesaid."

Thus it appears (1), that up to the year 1545, all ecclesiastical jurisdiction—notwithstanding the appointment of Cromwell—was commonly exercised by the clergy alone: (2), that an Act was thought necessary to legalise the exercise of it in any form by laymen: (3), that those laymen were to be none other than doctors of civil law.

It appears indeed that the statute has been construed, notwithstanding the repeated words of limitation, as enabling all persons to hold the recited offices; and that such a construction is regarded with some wonder, as surely it well may be.\*

101. To show the intention of the ruling powers during the subsequent reign, as to the final disposal of ecclesiastical causes—apparently of all causes so called, whether purely spiritual or not—we may well refer to the *Reformatio Legum*, which says, speaking of appealed causes brought into Chancery, "*Quo cum fuerit causa devoluta, eam vel concilio provinciali definiri volumus, si gravis sit causa, vel a tribus quatuorve episcopis, a nobis ad id constituendis.*"† Thus the very same document, which carries to the highest point the assertion of the royal supremacy,‡ distinctly assigns to the bishops the exercise, in the King's name, of the appellate jurisdiction.

\* Stephens's 'Eccl. Stat.' i. p. 289 n.

† *Ibid.* i. 152 n.

‡ See p. 11.

102. These citations from the most conclusive sources, during the reigns of Henry VIII. and Edward VI., may probably suffice; because it will generally be admitted that what is true of those reigns in favour of the spirituality, is true *à fortiori* respecting the times of the sovereigns who succeeded.

103. In the first High Commission of Queen Elizabeth, of which the exact composition, I understand, is not on record, there must perforce have been a deviation from the principle, because, as Lord Coke observes, it was appointed for a special purpose, and by way of exception, namely, to rid the Church of those bishops who would not take the oath of supremacy in conformity with the proceedings founded on the Acts of Convocation under Henry VIII.; acts which had never been canonically reversed.

104. It would be easy, I apprehend, to show that until about the accession of the House of Hanover, that is to say for nearly two centuries, these two great rules of the policy of the English Reformation were observed with substantial fidelity :

- (1). That the Convocation should be the instrument of objection for the doctrine of the Church.
- (2). That the ecclesiastical law should be administered by ecclesiastical judges.

105. In truth it is not enough to call these rules of policy; for as, to the State, they were constitutional principles, so to the Church they were solemn engagements. Both of them are covered by the preamble of the great Statute of Appeals, and the words of that preamble amount to a solemn engagement. Although in form there can be no contract between the legislative power and any person or body in the State, yet no words of promise

could bind an individual more sacredly than the words of that preamble, declaring the spirituality to be the fit and established instrument for administering Church law, should have bound the State: and when the State makes laws deeply affecting any subject body, and sets forth as the conditions and grounds of them matter in which that subject body has an interest, such body has a moral claim to hold the State to its own spontaneous and, in this case, very formal and deliberate declaration.

106. That the concessions, which have been described as made by the Church in the sixteenth century, were large, is unquestionable. That they had their dangers is a proposition, which only places them in the same category with all former and all subsequent adjustments of the same great and most difficult problem. That they were unwarrantable may be the case, but our history until now has not placed it beyond doubt. That they deserved the severe and unmeasured condemnation which some have pronounced upon them, is, in my view, very far indeed from being the case.

107. It is an utter mistake to suppose that the recognition of the royal supremacy in matters ecclesiastical, established in the Church a despotic power. The monarchy of England had been from early times a free monarchy. The idea of law was altogether paramount, in this happy constitution, to that of any personal will. Nothing could be more complete than the recognition of the Sovereign as the source both of legislative and of judicial authority for the exigencies of the passing day; but it was the felicity of this country that its people did not regard the labours of their forefathers as nought. In such manner they realised the inheritance they had received from preceding generations, that at all times what was to be done



was with them secondary, and what had been done primary; and the highest works of the actual legislator always aimed at the vindication and re-establishment of the labours and acquisitions of those who had preceded him. Here lay the grand cause of the success of our English revolutions, that the people never rent the web of history, but repaired its rents; never interposed a chasm between, never separated, the national life of the present and that of the past, but even when they seemed most violently to alter the momentary, always aimed at recovering the general, direction of their career. Thus everybody knew that there were laws superior to the Sovereign, and liberties which he could not infringe; that he was King in order to be the guardian of those laws and liberties, and to direct both the legislative and all other governing powers in the spirit which they breathed, and within the lines which they marked out for him.

108. A spirit of trust and confidence almost unbounded then was, and still is, the spirit of the British constitution. Even now, after three centuries of progress towards democratic sway, the Crown has prerogatives, by acting upon which within their strict and unquestioned bounds it might at any time throw the country into confusion. And so has each House of Parliament. Why is this the case? Because it is impossible to tie down by literal enactments the sovereign power in a State, since by virtue of its sovereignty it can get rid of the limitations imposed upon it, however strict may be their letter. Yet if that sovereign power be well advised, if the different elements of the social body be duly represented and organised, there arises out of their wise adjustment a system of balance and limitation infinitely more effective than any mere statutory bonds. So it has been in the

State of England; so, it might well be hoped, three hundred years ago, that it would be with the Church.

109. At the same time we must discriminate and set aside that which belongs to the political character and bent of the particular period of the Tudor sovereigns, and especially to that of Henry VIII. It is not to be denied that all liberty was in danger then; and Church liberty among the rest. If we wonder at the clergy who promised to make no law but with the King's prior and posterior consent, what shall we say of the Parliament which gave by statute the force of the law to the King's proclamation? The excess in the exercise of royal power over the Church during the sixteenth century is probably due to the absolutism of the period, more than to its Erastian tendencies.

110. The trust reposed by the constitution in the King with respect to civil purposes was this; that he would commonly act in the spirit of the constitution, and would avail himself of the best assistance which the country might afford for ascertaining, fostering, and upholding that spirit, and for dealing according to its dictates with public exigencies as they should arise. And this trust was a trust not speculative only, but accompanied with practical safeguards. They were these in particular; that for making laws the Sovereign must act with the advice and consent of the Estates of the realm; and that, for administering them, he would act by and through the persons who had made the laws the study and business of their life, and who would be best able to interpret them according to their own general spirit, and to the analogies which that spirit supplied, as well as to the mere precedents which its history afforded. I speak of the constitutional system, which was in course of being gradually

elaborated and matured in England. Its essential features had for many generations exercised a marked influence over the fortunes of the country, and in time they attained such a ripeness, as to place both our legislative and judicial systems beyond the reach of the arbitrary will, or the personal caprice, of Sovereigns.

111. Now, I say, that the intention of the Reformation, taken generally, was to place our religious liberties on a footing analogous to that on which our civil liberties had long stood. A supremacy of power in making and in administering Church law as well as State law was to vest in the Sovereign: but in making Church law he was to ratify the acts of the Church herself, represented in Convocation, and if there were need of the highest civil sanctions, then to have the aid of Parliament also. In administering Church law, he was to discharge this function through the medium of Bishops and divines, canonists and civilians, as her own most fully authorised, best-instructed sons, following in each case the analogy of his ordinary procedure as head of the State.

112. The Church had this great and special security on which to rely, that the Sovereigns of the country were, for a century, after the Reformation, among her best-instructed and even in some instances her most devoted children; that all who made up the governing body (with an insignificant exception) owed personal allegiance to her, and that she might well rest on that personal allegiance as warranting beforehand the expectation, which after experience made good, that the office of the State towards her would be discharged in a friendly and kindly spirit, and that the principles of constitutional law and civil order would not be strained against her, but fairly and fully applied in her behalf.

113. I do not mean that the Crown was legally compellable to convoke Parliaments, or to appoint persons of legal proficiency to be judges. But without Parliaments it could not make laws, and by fixed practice, as well as according to common reason, the laws were administered by those to whom they were a profession, and who were best versed in them. With the same theoretical laxity, and practical security, was provision made for the conduct of Church affairs. With regard to certain violent exertions of State power over the Church during the reigns of Henry VIII. and Edward VI., and again during the reign not less of Mary than of Elizabeth, it is not reasonable to take these as the measure of the intention of the State in the legal provisions it had made for settling its relations with the Church, any more than Magna Charta will bear to be construed by the administrations of the Sovereigns, who bore sway shortly after its enactment.

114. For, as defective social order permitted constant infringements of the last-named law, so the extreme of political necessity compelled the State to go beyond the spirit of the ecclesiastical settlement. When armed force was commonly employed to determine religious differences: when the spiritual affairs of one country were liable to be taken in hand by the military power of another: when the Pope wielded the temporal as well as the spiritual sword, and claimed and exercised the anti-social, if not anti-christian, prerogative of deposing Sovereigns for renouncing his obedience—then England was really in the condition of a beleaguered city; and the Crown was warranted and bound to settle many matters pertaining to the regimen of the Church by a kind of martial law; by stretches of power, that in regular times would have been

intolerable, and that with regular times were disused. Yet, after all, no one of them perhaps went so far as the *Interim* of Charles V.

115. However unconstitutional may have been the Court of High Commission, however inadequate to such questions as the trial of doctrine the Court of Delegates, that which we are now examining, namely, the essential freedom of the Church in her own most sacred functions, was on the one hand secured, while on the other hand harmony was maintained in her relations with the State. And the essence of the whole arrangement was this: that the power of the Church to make laws was retained, but subjected to the consent of the Crown; the administration of Church law was placed under the guardianship of the Crown, in a confidence, not disappointed through the succession of many generations, that her own Bishops, divines, and canonists would be the persons appointed to discharge her judicial functions.

Upon comparing, in the abstract, the concessions of the Parliament and the Convocation respectively to Henry VIII., we may find reason to think that while both were great, the former were the larger of the two. Yet, practically, there was this great difference the other way. The concessions of the Church were all held fast; and, after a time, she found that she had neither strength to recover them, nor to retain her hold of the compensating conditions under which they were made. The Parliament, on the contrary, gaining energy from generation to generation, has not only taken back what it then unduly yielded, but has acquired exclusively the ultimate possession of the supreme power in the State.

116. Looking back upon those times in the light of the experience which three hundred years of eventful history

have supplied, we are led to palliate the subserviency of the Parliaments of Henry VIII., and to form an exaggerated idea of that of his clergy. It is probably because we measure their acts by remote and at the time unimagined results. But if we place ourselves in the position of the men of that day, we may arrive at a different view. For, at that epoch, there was no clear indication of the coming triumphs of popular freedom. Nor was it perhaps over-sanguine, as matters then stood, to believe that the Ecclesiastical Estate, if it could keep united, would be strong enough to secure the permanence of its liberties. And it was united, we must remember, at the time when these things were done.

117. Obviously it is not by a mere comparison between Ecclesiastical and Parliamentary subserviency that the question of right and wrong can be determined; but it has become a fashion among us unhesitatingly to consign to infamy the Convocations of Henry VIII. without an examination of their case, so that they are under sentence, as it were, of historical outlawry. It seems, therefore, well to throw those lights upon their conduct which a reference to particulars may supply: and there is no part of our history, in which it is more important to us that we should arrive at a just appreciation of the facts.

118. But it is also important to observe with regard to the point which seems to be most pressed in controversy against the Church of England as fatal to her liberties, namely, the surrender of her own discretion in the exercise of legislative and judicial power, that we are ecclesiastically in strict analogy with our political condition. *Now*, indeed, we are secured, in the civil sphere, by the modern principle of ministerial responsibility. But before the date of this principle our forefathers

held by the very same tenure their condition as citizens and as Churchmen respectively. And the same argument which would prove the slavery of the Church, would also prove that they had no political liberties; which is absurd.

119. I am led to feel the importance of these remarks partly by the astounding view of the British constitution which I find in an article in the *Dublin Review*, ascribed to the ablest polemical writer of the Roman Catholic communion of this country :

“If the Queen is really the supreme head of the Church, or if she is a power in it with appellate jurisdiction (and as she has spoken and pronounced sentence in the ‘Gorham Case,’ we do not see what right of interference there is in any one, in regard to the counsellors or judicial sifters of the cause whom she may select and appoint), she, and she alone, is responsible for this.

“It may be objected that her Majesty did not choose them, but that they were appointed by Act of Parliament. Be it so. But by whom is an Act of Parliament enacted but ‘By the Queen’s most excellent Majesty, by the advice and consent of the Lords Spiritual and Temporal, and Commons’? The constitution, therefore, of the council is the Queen’s, or her predecessor’s, for the sovereign has the means of resisting a violence to his conscience.”\*

When a writer is possessed with such wild ideas as to the function of her Majesty in the British constitution as would make rather better sense if read backwards, we need neither be astonished, nor grieved on our own account, at any conclusions at which he may arrive respecting the Church in its relations to that constitution.

120. Nothing is more clearly essential to any just estimate of the position of the Church under the royal supremacy than a proper view of the essential conditions that fix the general position and office of the Crown.

We must recollect that the theory of monarchy,

according to the law of England, had its historical basis of fact in the free Anglo-Saxon constitution ; which ran back even to the usages of the German tribes, such as Tacitus has described them. Upon this there supervened, with the Conquest and its results, that idea of royal power which represented it as in itself absolute and perfect, yet did not repel the notion, that it came originally from popular delegation ; and even referred this perfection, not to an ideal source or standard, but to the fact that all the powers of the Roman Commonwealth—of senate, consul, prætor, tribune, general—had been conveyed to, and concentrated in, the person of the Emperor. To these again was added the doctrine of the Church, which asserts the Divine origin and sanction of the power of governing. This doctrine, which found governing power *de facto* in the hands of kings, naturally grew into the notion of what is called Divine hereditary right, especially when the abolition of the Roman jurisdiction had removed the influence of a power whose interest it was to appear as standing between Heaven and the King, and therefore to keep the question open as to the precise nature and limits of the sanction, that regal authority derived from Divine ordinance.

121. From the joint result of these influences, ancient and recent, the idea of the King in the sixteenth and seventeenth centuries had mounted up, in the contemplation of law, even to ideal perfection. The very strongest proofs of it, not only that can be cited, but even, as it seems to me, that can be conceived, are to be found in our having inherited from those times (not from the period when monarchs were formally coerced like John, or solemnly deposed like Edward II. and Richard II.), the doctrine that the King can do no



wrong; and in the fact that the Parliament of Charles I. found itself obliged, by duty or by policy, or both, to make war against the King under the formal assumption of its own name and authority for its acts.\*

122. But this ascription of an ideal perfection to the Sovereign did not imply that, either in law or in practice, he was free to lay his hands on whom, or on what, he pleased. The ancient idea of compact had never been extinguished; and upon an adequate occasion, namely, at the Revolution, it was reanimated, in terms indeed open to dispute, but in substance with a solemnity and weight of sanction which it has never lost. Now this great and fundamental idea of compact, if it applies to individual subjects, applies also yet more formally to the Estates of the realm, and involves more than the mere personal conduct of the Sovereign. If the tenure of the throne itself depends upon the observance of a compact, much more does every other relation that binds together the several component parts of the body politic, in its several orders and degrees of men, as spirituality and temporality.

123. The forefathers of Englishmen, however, had other and readier securities, besides this great *arcanum imperii*, reserved then, and always to be reserved, for the very last resort. It is a well-established principle that the Sovereign cannot administer justice in his own person, unless authorised to do so, as any officer of State might be, by statute. "Edward I. frequently sat in the Court of King's Bench; and in later times James I. is said to have sat there in person, but was informed by his judges that he could not deliver an opinion."† And "it is now

\* See also Allen on the Prerogative, pp. 82, 83.

† Blackstone, iii. p. 41 n.

an undisputed principle that, though the King should be present in a court of justice, he is not empowered to determine any cause or motion but by the mouth of his judges, to whom he has committed his whole judicial authority."\* The doctrine of this passage is, I believe, that of the great legal authorities. Thus while the immense latitude of nominal prerogative was overshadowed on the one side by the superiority of the combined legislature, it was on the other side barred from arbitrary excess by the necessity of operating, in the Courts, through responsible instruments. The ideal or legal monarch was invested with these high attributes, while the living one was on almost all sides limited by law; in order that the actual authority, under which the work of government is carried on throughout the country in its details might be one and undivided, revered and resistless.

124. Those who compare the history of the English Church since the Reformation with the history of the Catholic or of the Western Church respectively, in and from the times of Constantine, Justinian, and Charlemagne, may treat with ridicule the hypothesis that the aim of the English Church under Henry VIII. was to reproduce essentially the same basis of the relations between Church and State, as existed during the reigns of those Emperors. And yet, after due allowance is made for new disturbing forces, we may find reason to think that there was some essential resemblance between that which men of the sixteenth century imitated, and that which they constructed and bequeathed. They lived in times, when corruption had eaten so deeply into the framework of the Christian Church, as almost to menace its existence; and

when a movement in favour of Reform, so violent as to convulse society and to set in motion forces which have already disorganised large portions of the Church, and removed entire communities from the faith, was nevertheless in all probability the actual means, and perhaps the only possible means, of rousing and of saving Christendom.

125. There were also impending vital changes in the constitution and order of civil society. The downfall of despotism was in preparation; the seat of power was about to be shifted from the hands of a very few to those of large and numerous classes: what the Crown possessed was about to pass into the hands of Parliament. All these changes, beginning or about to begin, were to subject the ecclesiastical relations fixed in the 'sixteenth century to trials far more severe than the mere brute forces of disorder and imperfect civilisation, against which alone the laws of Justinian or of Charlemagne had had to contend.

126. The headstrong wilfulness of Henry VIII., and the minority of Edward VI., would have made those periods unsafe as repositories of precedents, even had the course of our traditions from thence never been legally interrupted. But the reign of Mary swept away the laws of the two former princes; and our direct concern with them is of course limited to such as were re-enacted under Elizabeth. Now it may be asserted without fear of confutation, that from the accession of that Princess, notwithstanding the arbitrary notions of three successive Sovereigns, the government of the Church was practically in the hands of its spiritual rulers, and pre-eminently in the hands of those among them, who were the most deeply imbued with the spirit of its laws. With due allowance

in every sense for the times, that high office of foster-parent, which our Sovereigns had assumed, was not ill discharged until the period of the Great Rebellion.

127. Although the personal characters of the Sovereigns, from the Restoration down to the accession of the House of Hanover, with the exception of Queen Anne, were of a different stamp in regard to their affections towards the Church, yet throughout the whole of that period her essential liberties were respected, except when they were assailed in common, and were also in common vindicated, with those of the State. Her Synod was summoned when it was requisite to treat of matters touching her doctrine and constitution; the ordinary administration of her laws was conducted in her Courts and by appropriate instruments.

128. And whatever may be said of the gross injustice of the sheer suppression of Convocation, that most eminent example of tyranny, or the law of the strongest, acting under constitutional forms—of its political convenience or necessity, or of the frightful moral evils, and utter dissolution of ecclesiastical discipline, to which it led the way—thus much at least appears, that if her legislative organ has remained in abeyance, the power it should have handled has been likewise dormant, and it has not been exercised for her, even to the present day, so far as doctrine is concerned, by the temporal authority. Her exterior discipline, indeed, simultaneously with the decline of religion in the country, was crippled in very important points by the State, as of late, on the other hand, there have been some small efforts to improve it. As to judicial questions, which are now more immediately before us, so long as the Court of Delegates remained, it was a witness by its constitution to the ancient principle

that the ecclesiastical laws were to be administered by ecclesiastical judges. Although it had been progressively altered in its composition since the 32 Henry VIII., first by the admission of civilians, then by the dropping out of divines, and further by the introduction of common law judges, yet to the last it was composed in the main of ecclesiastical lawyers.

129. When, therefore, we review our Church history from the time of the rupture with Rome, let us endeavour to take a candid and dispassionate estimate of that to which the Church of England is committed, of the conditions under which she is committed to it, and of that to which she is not committed at all. She is most formally committed to placing the enactment of canons under the restraint of prior permission and posterior confirmation by the Crown; but by a Crown of which the wearer is able to act for himself, and not through the medium, or under the control, of ministers, virtually chosen by a majority in a Parliament of mixed belief; by a Crown, of which the wearer had been wont to consult the synods of the Church, and gave not only the strongest possible indication of his intention, but likewise the most solemn and formal promise of which the case admitted, to do so thereafter. For it embodied in the preamble of a great Statute the formal declaration, that the spirituality of England, with its own constitutional organisation, was entirely competent to deal with all matters of ecclesiastical legislation, and was accustomed so to do, just as the temporality dealt with questions of temporal right.

130. Again, she is committed to the exercise of all jurisdiction, for her own purposes, subject to the authorisation of the Sovereign. But this was to be a Sovereign in her communion, and one having no political relation to

maintain of a kind which would impair the freedom of his personal conscience as a member of that communion, would impose upon him the duty, or supposed duty, of maintaining a spiritual relation with other communions, or would reduce, in fact, to neutrality, or a moral zero, that sonship to the Church, for which a king has shed his blood upon the scaffold. This Sovereign was the head of a civil government, all whose component members owed to that Church spiritual allegiance. Lastly, he was a Sovereign whose obvious duty it then was to be the guardian of the religious as well and as much as of the civil liberties of the subject, and to provide in the same rational manner for each respectively; namely, by taking care that the laws affecting each should be administered, so far as might depend upon his royal choice, by the persons best acquainted with their tenour and most deeply imbued with their spirit.

131. But of Courts of Appeal, not composed of such persons, appointed by Parliamentary majorities, and assented to by the Sovereign on the advice of ministers, whom those majorities had constrained him to accept, the Church\* knows nothing: and this whether such courts be nominally composed of her members or not, except that if they chance not to be so composed, the evils of such a system, in either case intolerable, are only rendered not perhaps the more real, but only the more glaring. Of the permanent suspension of her legislative organ, on pretence of its defectiveness, but without any attempt to amend it, the Church knows nothing—that is, knows nothing in the way of acquiescence or approval, though

\* That is to say, by her Reformation compact knows nothing. (Note in 1877.)

she knows more than enough, and to her cost, in the deep practical abuses and corruptions, the stagnation of religious life, and the loss of command over her work, and over the heart of the nation, which it brought upon her.

132. As to the mere doctrine of prerogative, as a repository of vague and undefined powers over spiritual things, out of which they are to be produced, as may suit occasion, to overrule, by the help of some shadowy "doubt," the plain meaning of statutes, or to browbeat the most temperate assertions of religious freedom for the members of the Church, such a doctrine deserves no more respect at the hands of Englishmen than the twin doctrine respecting things temporal that was in vogue during the seventeenth century, but has long since been consigned to oblivion or to shame. Over a weaker subject, "it still sometimes utters its indecent vaunts.

133. If it be said these things have been done and the Church has not remonstrated, the answer is, that care has been taken, by suspending her legitimate assembly, to make general and formal remonstrance a measure of such difficulty, and therefore of such gravity, that it might naturally be regarded as the almost immediate antecedent of separation. Matters are already at a formidable pass, when great constitutional and public organs come to remonstrate before the world with one another. When the Parliament remonstrated with Charles I., the hand that guided the pen was ready to brandish the sword. Nothing but extremities would justify such remonstrances, as would alone have fully met the case; and to such extremities the question had not yet come. It was not destruction, but danger—danger smiling and decked with flowers, into which she was thus brought.

134. Neither was it any one single act against which

she was called to remonstrate; it is a long and intricate series of changes, most of them affecting directly not herself, but other great constitutional organs, whose action in turn tells upon her state, and the cumulative effect of which has been to bring her out of the sphere of orderly and regulated freedom, too near to the verge, in spiritual things, of unredeemed and abject servitude. Nor does the victim of oppression lose his title to remonstrate when the cup has at length overflowed, because it may be shown that he was entitled to complain before the swelling mass had reached the brim.

135. Further, let it be owned that, in speaking thus of the Church, we speak of that sacred and unworldly spirit in her, which ever conforms to the Spirit of her Lord, which is grieved with all that grieves Him, and draws delight only from that wherewith He is pleased. The State has used the Church's heart and soul thus ill, stopping up the avenues of spiritual life, warmth, and motion; restricting, enfeebling, and corrupting it. But to the body of the Church, to the concrete mass of good and bad, to the multitude of carnal-minded rulers and teachers, whom it for a long period of time continued to thrust into her offices—to the Church, as an institution endowed with the goods and privileged by the laws of this world, the State has not been in its own sense unkind. It has treated her in the way in which Wordsworth's noble Ode represents the Earth as treating man, the spiritual denizen of her domain :

“ With something of a mother's mind  
The homely nurse doth all she can  
To make her foster child, her inmate man,  
Forget the glories he hath known,  
And that imperial palace whence he came,”



136. Even so the State has guarded with no small rigour—at least, until a very recent period—not the property alone, but the honours, and not the real only, but the imagined privileges and securities of the Church. She has been plied with indulgences that have enervated her vigour; she has been carried in the arms of power, and has forgotten to tread with her own feet her own narrow upward way. She has seen men debarred of their civil rights and privileges, because any law conferring them would also confer upon them an influence over her fit only to be exercised by her members; and she learned with ease, and long retained, and even yet has but half unlearned, the baleful lesson, that taught her to rely on these spurious aids; to accept these illusory, and even at length unjust, compensations for the silent decay and eventual overthrow of her natural defences. Anticipating extremes which have not arrived, men already say the blandishments of Delilah have lulled her into soft repose; she awakes at the clank of her fetters, and she finds that the lock of her strength is shorn.

137. Considering, however, what upon the whole England has been for the last three hundred years, and what share the Church has had in making England such; what place she holds in the mind of the country and in Christendom; what she has done for the religion, and what for the civilisation of mankind; how she has carried down her life, and the unimpaired deposit of the faith, through so many ages of subtle and varied trial to the present day; what promise she now exhibits that she may yet, and soon, valiantly contend for the Gospel against its adversaries, on behalf of Christendom and the faith of Christendom at large, and not only for her own children in her own border—I for one cannot take part with those, who

say that the English Reformers betrayed their trust. I cannot think that, after due allowance made for human infirmity, their work has been wholly condemned by its results. I cannot express a preference over the alternative they chose, for any among the alternatives they rejected; such as reattaching the Church of England to the Roman obedience; reconstituting it after the Presbyterian platform; or parcelling it out by the scheme of Independency.

[138. But neither can it be admitted that if the justification of the Reformers is to rest on such grounds as the foregoing, their reputation can owe thanks to those who would now persuade the Church to acquiesce in a disgraceful servitude, and to surrender to the organs of the secular power the solemn charge which she has received from Christ, to feed His sheep and His lambs; for the real feeder of those sheep, and those lambs, is the power that determines the doctrine with which they shall be fed, whether that determination shall profess to be drawn straight from the depths of the mine of revealed truth, or whether it shall assume the more dangerous and seductive title of construction only; of a licence of construction which disclaims the creation, the declaration, or the decision of doctrine, but which simultaneously with that disclaimer has marked out for itself a range of discretion which has already enabled it to cancel all binding power in one of the articles of the faith, and will hereafter as certainly enable it to cancel the binding power of all those which the first fell swoop has failed to touch. No.]

Let us vindicate the Reformers by showing that we believe their conduct to have been guided by reasons which existed for them, though they no longer exist for

us; and let us imitate them by labouring to fix the position of the Church for our own time according to the conditions and the prognostications which the time itself not offers only, but rather thrusts and forces on our view.

139. By some—as, for example, by Roman Catholic writers—it may be said that the account here given is a plain admission that the Church of England under Henry VIII. deliberately consented to enter into a condition of slavery. Now, whatever the condition was, they are right as to the fact that there was a consent of the Church to certain most important terms. And it is necessary to put the fact prominently forward, were it only because there is a notion at the present day, that to talk of the Church as consenting to be dealt with in this or that manner is like saying that gold-leaf had consented to be beaten, or wool to be carded. There is a notion, no less unhistorical than unreasonable, that the Church never had any independent rights with which to part; a conception which it is necessary to shut out in express words, because its singular convenience in cking out defective arguments makes up for its injustice and its falsity. The Church did, as the Roman Catholic controversialists truly allege, consent to the state into which she entered at the Reformation, so far as that was fixed by statute. The fact is important; because if she once had these independent rights, her former possession of them at once suggests the further question, whether, and under what circumstances, she might be bound in duty to resume them.

140. And the fact is even more clear, than it is important. It was no tacit, no obscure, no hurried, no equivocal consent. It was a deliberate consent, after con-

sideration upon the several heads which have already been recited. And with respect to all that part of the consent which touches legislative power, the 25th Henry VIII. cap. xix., having fully set out in the preamble the submission and petition of the clergy, commences the enacting part with the words, "Be it therefore now enacted, by authority of this present Parliament, *according to the said submission and petition of the said clergy;*" and it then proceeds to provide accordingly.

141. That reputed contract, therefore, between Church and State, which in general does no more than construe into words what has been theretofore expressed in acts alone, and which is, in fact, the philosophy of history in one of its particular departments, is in the present instance a literal as well as a virtual truth, so far as relates to the terms of the consent, submission, and petition of the Convocation, to the acceptance of them by the King and Parliament, and to whatever was truly and constitutionally involved in that acceptance. The subsequent review of the laws ecclesiastical, indeed, has no longer any effect for us, as the scheme ultimately failed of effect, and has now no legal or practical being; and the particular title of Head of the Church has been wisely exchanged for the more modest and true appellation of Supreme Governor of the Church of England.\* But, subject to these two limitations, the above-named consent of the clergy has become the law of the land; and the responsibility of it, whether for good or for evil, or for both, has descended upon the English Church, and upon its clergy of the present day.

142. Doubtless the treaty (so to speak) between the

\* 1 Eliz. c. 1, s. 19.

civil and the ecclesiastical power, which was elaborated in words so remarkable by the men of that day, was a treaty of the kind which in the law of nations is called real, a treaty intended to bind the successors without limit of time.

But doubtless, also, it was a conditional treaty. Its conditions were partly expressed in the framework of the several statutes of the epoch, partly presupposed, and experimentally known, in the subsisting constitutional system.

143. Not that any slight changes in the law, or any changes, however great, which might consist with the spirit of union and harmony between Church and State, and with the due and free discharge by each of its essential functions, ought to disturb the foundations of that settlement. But changes which do not so consist, must evidently at a certain point of their progress bring the settlement itself into question.

144. It may be said that to speak of a treaty as subsisting between the State, which is sovereign, and the Church, which is subject, appears a licentious use of terms. For treaties must be between powers actually, as well as originally, independent. Yet we speak of the treaty of Union as a binding one between England and Scotland, although both are now, in their separate capacity, subjects, and the Imperial Legislature alone is sovereign; and circumstances are conceivable, though in the highest degree improbable, which might justify and even require the dissolution of that treaty, and the resumption by each nation of its original independence.

145. But if we waive this argument, and regard the Church as simply subject, the rights of subjects, whether as individuals or as bodies, to have the laws of a country

adjusted from time to time, according to the dictates of reason and justice, are not the less certain and sacred because they are indeterminate or unwritten; on the contrary, they are both certain and sacred in the highest degree, of which any right growing out of human relations in society can admit.

146. Besides, it is impossible in any case to forget this,—that the absolute independence of the Church, in regard to legislation, had never been definitely surrendered by her on any earlier occasion. At that particular epoch, she agreed by compact to do what she had formerly done by discretion only. When she made that agreement, it was in her power not to have made it. By making it, she did not—nay, without forfeiture of her essence she could not—acquit herself of the obligation at all times to judge and to act, in relation to the State and in all other relations, as the fulfilment of her essential purposes might require: because that obligation was founded, not merely in her right to prolong her historical existence, but in the perpetual ordinance of God, imposing on her various members duties towards one another, which were of the primary law and conditions of her being. And as no assembly of parents, which might ever so formally bind itself to give over to the State the charge of their infant progeny, could be justified in adhering to so unnatural a compact, so no assembly of Bishops and clergy, inheriting the injunction of Christ to feed His sheep and His lambs, could, by any agreement whatsoever, make over to any other body than the Church herself that feeding office, or in the smallest degree derogate from their own awful responsibility for its fulfilment. If they made such a compact as was originally to that effect, it was null and

void *ab initio*. If they made, as they did make, a compact which originally was not to that effect, but which might or may become so, then from the moment when it has so become, it is null and void in spirit, and its nullity and avoidance in spirit would entail upon them, as their first duty, likewise to put an end to it in form, at the earliest moment practicable after the facts should have been clearly established.

147. It has appeared, then, that the statutes of the Reformation disavowed any aim at establishing a system of principles novel in our law touching ecclesiastical jurisdiction. They sought to provide effectual safeguards on behalf of the State, for the principles on which British law had theretofore been founded, but which the exorbitant power of the clerical estate tempted it, notwithstanding repeated acknowledgments, from time to time to question.

[It has also appeared that, while these safeguards have undoubtedly answered their purpose of securing the State from encroachment, they have not, until the recent disastrous instance, which is now agitating and threatening to rend the Church, brought its faith into jeopardy by any doctrinal decision at variance with the declarations of her own organs.

148. It now, however, appears that the actual machinery provided for the decision of doctrinal questions on appeal, has yielded a result in the Gorham case which, had the Court been one binding the Church *proprio vigore*, would, according to high authorities, have involved her in the guilt of heresy. And since this is not, as has been most unreasonably alleged, the proper, though late, fruit of the late statutes and instruments of the Reformation, but the consequence of deflection from their spirit, their

letter, or both, it becomes us carefully to examine the nature, the amount, and the steps of that deflection.]

149. Let us, then, assume as our starting-point, that which the reason of the case and the law of the land appear to indicate as a just one; namely, the Statute of Elizabeth. Of course, those particular enactments of former reigns which still subsist must be taken into view, but not such as have been repealed. The general idea of the Royal Supremacy, for which the Reformation has to answer, ought in fairness to be taken from such laws and acts as remain, not from those which have passed away. This idea I take to be represented in the universal annexation of corrective jurisdiction to the Crown; in the establishment of the control of the Crown over ecclesiastical legislation; and, on the other hand, in the reference of those measures to the single principle, that they were part of the ancient rights of the Crown of England, and in the formal assurance that no other than those ancient rights had been, or would be, claimed.

150. Since that time, three material changes have been made in favour of the Church—namely, the following:

First. That all ecclesiastical jurisdiction, except that of the last resort, should be exercised, not only by the instrumentality, but under the direct authority, of the Archbishops and Bishops.

Secondly. That the Court of High Commission has been abolished, and all such courts condemned in sweeping terms by the Bill of Rights. For, although Lord Coke contended that the issuing of such a commission lay within the ancient prerogative of the Crown, Bishop Stillingfleet, observes Mr. Stephens,\* has shown that the cases

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\* Stephens's 'Ecc. Statutes,' vol. i. p. 357 n.



quoted by him do not come up to the point; and, at any rate, what is material to our present purpose is to remark, that in such Courts the Crown proceeded in *primâ instantiâ* against persons by ecclesiastical censures, which it has been unable to do since their abolition.

Thirdly. That the work of visitation, involving so much of the ordinary government of the Church, soon ceased to be employed as at the immediate bidding of the Crown, and for the purposes of ordinary government in the Church; and its executive acts, in virtue of the Supremacy, have been reduced by the course of practice within a very narrow compass, and now have relation to matters of necessary form, although even these are not wholly unattended with embarrassment.

151. But there have been other, and much more important changes in the opposite direction.

The greatest of these has been the suspension of the sittings of Convocation.

The legislative power in any body or society, which is the highest power, is also the proper instrument for correcting the errors which may be committed by the inferior powers, whether executive or judicial.

So long as a legislative power is in a state of activity it may securely entrust to the Executive the ordinary control of the administration of justice; and if any serious errors are committed, there are early opportunities of correction.

But, when the legislative organ has been permanently suspended, every other power in the body passes gradually into a false position. The eye of the supreme supervision is closed. A great void, in the first instance, is created. Of the power taken from its lawful owner, much remains waste; part passes to the civil legislature, part becomes

licence in the hands of private persons, part falls to the executive governors, and lastly, part to judges, who, under such circumstances, tend more or less, and quite independently of faulty intention in themselves, to become makers rather than interpreters, and thus masters rather than servants, of the law.

152. This evil is especially serious, when the ultimate judicial authority is lodged in a quarter, where the welfare of the body affected by that authority must ordinarily be not the first, but a secondary consideration. We are thus brought to consider the second great change, adverse to the Church, which has so greatly changed to her disadvantage the position defined for her at the Reformation, namely, the change in the personal composition of the Nation and of the State. She then contracted with a State, of whose policy it was a capital part, that all its members should be her members too; and her members, moreover, not by a nominal profession only, but through a membership tested in the most searching manner by periodical participation, subject to public discipline, in her highest ordinance. And that this circumstance entered essentially into the considerations upon the strength of which she made her bargain, we may well judge, not only from the writings of her divines bearing upon the subject, but from the tenacity with which her governors resisted the toleration of Dissenters, and their admission to political privilege. It is to be hoped and presumed that they did not do this from selfishness and pride. At any rate it is obvious that what they resisted was a claim not merely to civil privileges, but to the exercise of powers that included much control over her own destinies, and that, augmenting their pretensions by slow degrees, have now fastened upon her the degrading imputation, that she has

given over the decision of the doctrine of Christ into the hand of the powers of this world, and has vilely sold to Cæsar the things that are of God's own image and possession.

153. While the pretensions of the State have been in constant growth, its composition has rendered it progressively less fit to exercise even the qualified functions it had before possessed. Divisions of opinion have multiplied; the nation is broken up into many sects and religions; all claim the equal exercise of political power, and nearly every claim has been admitted; so that with respect to those which remain unacknowledged, there are many who think that we offend seriously against the principles of social equality by withholding them; while on the other side no real principle is involved in a continuance of that refusal.

154. The third great change in the position of the Church is from this: that the personal will of the Sovereign has lost its ancient place in the constitution of the country.

The Church had at the Reformation, and now has by law, the presumed security, that the Sovereign shall be a member of her communion. When, therefore, the individual conscience and conviction of the Sovereign was recognised as a powerful element in determining the course or policy and legislation, the Church might well look upon this relation to the Crown as a most important safeguard.

155. But the altered position of the Crown has gradually been reducing, and has now perhaps destroyed, the value of such a safeguard. The Sovereign, whom the English Church in the first days of the Reformation acknowledged for her head, was one enabled by his position, and in fact accustomed, to rule with a strong hand the temporal no less than the spiritual estates; and if

there then was danger of her enslavement, it was from him and not from them. That danger she was content to meet, in the strength which her relation to his private conscience gave her. But from the time when Parliament began to coerce the Sovereign to the time when, perhaps we may say in the year 1829, there was no more struggle because the Sovereign had ceased to resist, the Church was drifting from her position; instead of one master she was coming to have many; it is now the majority of the Commons' House of Parliament to which she must look, as being in effect the Crown's capital adviser with respect to the exercise of its ecclesiastical supremacy.

156. The fourth great change in the position of the Church is to be found in the progressive alterations of the composition of the Courts, by which ecclesiastical causes were to be tried. We have seen that it was a fundamental idea of the Reformation that the spirituality was the proper instrument, according to the constitution, for the administration of Church affairs. The highest legal authority, that of Lord Coke, assures us that upon this principle the judicial system of his time was framed. He says it was most necessary that for deciding finally questions of heresy, clergy-discipline, immorality, and a multitude of others which did not belong to the common law, ecclesiastical tribunals should be established.

157. Accordingly, we find that it was the practice of the Crown, for a long series of years from the Reformation, to act upon the principle *cuique in arte sua credendum* as regarded spiritual, not less than temporal matters. And so it is understood that the Court of Queen's Bench would still act, if the presentee to a living, applying for a *quare impedit*, were impugned by the Bishop on the ground of heresy.

158. The most important functions of the ecclesiastical judicature, connected with the State, were discharged, from the Reformation till the Great Rebellion, by the Court of High Commission. We are told that, during the Tudor period, these Commissions were not enrolled in Chancery, "lest their lawfulness should be impugned upon such a publication."\* It may therefore be difficult to ascertain exactly, what the composition of this Court may have been on each occasion of its appointment. But the detail is hardly necessary, inasmuch as we know that it was always regarded as the great engine of episcopal oppression by the opposite party, which clearly shows what influence predominated in it. Neal mentions its even meeting at Lambeth. Strype names twenty-eight of the persons in the Commission of 1576. Of these, ten appear to be Bishops, six other clergy, eight civilians, four judges and officers of State. But the enumeration is incomplete.† With the Court of High Commission in 1640 ‡ fell the original jurisdiction of the Crown in matters ecclesiastical. It had originally been exceptional, according to Lord Coke, and the power given to appoint it had reference to the peculiar crisis in the Church at the commencement of the reign of Elizabeth. The words of the Bill of Rights seem to imply that, even when legal, it was unconstitutional.

159. The appellate jurisdiction was exercised through the medium of the Court of Delegates. There is no example, we are told by Bishop Gibson, of any peer or common law judge appointed to any commission before the seventeenth century, and not more than one in forty

\* Brodie's 'British Empire,' i. 157; 4 Inst. 326, 332.

† Strype's 'Grindal,' p. 309.

‡ 16 Car. I. c. 11.

commissions down to the Great Rebellion.\* The records of the Court now available commence in 1609; and during the whole period of two centuries and a quarter, down to 1832, there appear to have been before it only three cases of heresy.† The Commission of 1712, in Whiston's case, comprised five Bishops, five civilians, and three common law judges. It thus appears that there had been a considerable change within a hundred years, but still the two main elements of the Court were Bishops and ecclesiastical lawyers. Although the cases of heresy tried, between 1609, when the records of the Court commence, and 1832, were only three, and all these without any issue: although there never was a question tried before that Court approaching that of *Gorham v. the Bishop of Exeter* in dignity or importance, yet to the very last that Court retained this not unimportant token, at least, of the character of a Court spiritual—that its judges, for whatever causes, were mainly civilians. In the time of Blackstone, as he himself has told us, the case stood thus: "This Commission is frequently filled with lords spiritual and temporal, and always with judges of the Courts at Westminster, and doctors of the civil law."‡ And from Haggard's Reports, I find that in 1781, even upon a question whether a marriage might not be declared void on the ground of

\* This important statement of Bishop Gibson is elaborately controverted by Messrs. Brodrick and Fremantle in their able Introduction to 'Ecclesiastical Cases relating to Doctrine and Discipline,' London, 1865 (pp. l.-lviii.). It has again been discussed from a different point of view by the Rev. E. S. Grindle, in his 'Church and Realm,' London, Hayes, 1871. My Treatise was published in 1851, and this partial (authorised) reprint appeared in 1865. I have to regret that other engagements disable me at this juncture from entering into the argument. (Author's Note, Feb. 1877.)

† Parl. Paper, No. 322, Sess. 1850.

\* Blackstone, vol. iii. p. 66.

force and custody, the Commission of Delegates contained three lords spiritual along with three lords temporal, three common law judges, and three civilians.\*

160. Enough has now been stated to show that, for a long time, the pledges of the Reformation epoch were not forfeited, and the theory of our great lawyers was kept in vigour by practice, in regard to the vital principle, that the laws ecclesiastical should be administered by ecclesiastical judges. It may, however, be said, certainly the Courts spiritual of a certain era were ecclesiastically composed; but the Crown *might* have composed them otherwise. I answer, the Crown was free to compose them otherwise, but only as it was free to do anything else that is wrong, and that is contrary to the spirit of its trust. The Crown could not have composed them otherwise without acting in violation of the spirit of the Act of the 1st of Elizabeth, and of the letter, not indeed of the enacting part, but of the more solemn preamble, of the Act of the 24th of Henry VIII.

161. If it be asked, why then did later times infuse more and more of the secular element into the Court of Delegates? and why did a commission of bishops and judges recommend that causes in appeal should come to the King in council?—I answer to the first question, that there is scarcely a single precedent of any kind set in the Church for a century after the accession of the House of Hanover, which is good for any purpose but that of a warning: that (for religion) disastrous century, in whose ecclesiastical archives, not yet nearly unrolled, every loathsome abuse

“Hides its dead eye from the detested day.”

162. To the second I reply by adopting the sentiment, which the Bishop of Bangor has recently expressed in a letter to his clergy. The period of a century and a half or more had produced but three causes\* for heresy in the Court of Delegates, and none of those causes came to any issue. The first cause, that of Salter against Davis in 1690, was disposed of in another form, by the Court of Queen's Bench. The second, that of Whiston, went to Convocation. In the third, that of Havard against Evanston, in 1775, the appellant desisted. Under these circumstances it might readily be assumed that that branch of the appellate jurisdiction was virtually extinct, and the recollection of it might easily be lost among the multitude of mixed questions, and questions only in name ecclesiastical, for which an improved provision had to be made: and also amid the still greater mass of questions purely civil, that come before the Privy Council in appeal. The trial of doctrine by this Court had become a thing unheard of in the Church of England; and what has just now started forth in giant form, was, when the latest statute was framed, probably overlooked, and (according to the saying) given into the bargain.

It is not too much, then, to say, the appellate jurisdiction in cases of heresy, legally enacted at the Reformation, has never actually lived. Thrice only has it moved; and thrice without effect.

*“Ter conatus erat circum dare brachia collo:  
Ter frustra comprensa manus effugit imago  
Par levibus ventis, voluerique simillima somno.”*

163. In the year 1832 an Act† was passed which

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\* Parl. Paper, No. 322, Sess. 1850.

† 2 & 3 Gul. IV. c. 92.



transferred the powers of his Majesty in Chancery over ecclesiastical causes to his Majesty in the Privy Council. This change had been recommended by the Commission, which sat in 1828 to inquire into the state of the ecclesiastical law. It does not appear what was the precise view of that Commission as to the mode in which these causes were to be tried, since there was at that period no fixed or statutory Court of the Privy Council. But the presumption is, that they contemplated the reference of all such matters to the two Metropolitans and the Bishop of London, together with the Dean of Arches and Judge of the Admiralty, both of whom must necessarily have been bred in Doctors' Commons, and the latter of whom has frequently been also Judge of the Consistory Court of London; possibly also with the addition of the Lord Chancellor, or one of the common law judges.

Whether a good Court or not, this would still without impropriety have been called an Ecclesiastical Court; and its institution would not have destroyed, though it would certainly have obscured and impaired, the principle established in law and history by the Reformation. We cannot, however, do justice to the Commission without bearing in mind, that they did not intend this Court to be a tribunal for the trial of heresy.

164. But in the year 1833\* it was enacted that all causes coming to the King in Council should be tried by a Committee, to be composed of at least four out of a number of persons, of whom all must be laymen: a very small proportion only could be civilians; none of the rest, except the Lord Chancellor, need be members of the Church of England. Nay, the Court might actually be

\* 3 & 4 Gul. IV. c. 41.

composed in any given case of persons holding their offices only during the pleasure of the Crown, that is to say, of the Minister of the day.

165. This court, then, was a Court essentially civil, not only in the sense in which, as Lord Coke observes, the Bishops' courts, the court of the lords of manors, and others, are all nevertheless King's courts, but also because its personal composition was in substance temporal: the lay ecclesiastical lawyers, who should have but a secondary place by the side of Bishops or divines in a court for the trial of doctrine, were here the only element at all related to the subject-matter; it could be but an insignificant one, and not even a single civilian need by the constitution of the court have sat upon the *Gorham* case. It is vain to lay stress upon the unmeaning arrangement for the presence of bishops at the hearing of such a case, which has been unduly embellished with the name of assessorship. For, first, they are few in number; secondly, so many other qualities are of necessity to be regarded in the choice of archbishops, and likewise of filling the see of London, that the three persons, who are officially Privy Councillors, can very rarely be the best theologians of the Episcopal Bench; thirdly, their presence is not required by law; fourthly, they are no assessors at all, have no defined function, and need not when present be consulted at all, or may be consulted on the small points and not on the great ones; fifthly, the whole system of such consultation is secret, and irregular, and in the highest degree irresponsible, and no blessing can be expected to follow it.

Since I wrote thus far, Lord Brougham has declared from his own recollection that the conjecture already made was correct; and that cases of heresy were not

taken into view at all on the passing of the Act of 1833.

166. Here then we have arrived at a plain and gross violation of the principle recited in the preamble of the 24th Henry VIII., that the spirituality, according to the constitution of the realm of England, administered the law spiritual, as the temporalty administered the law temporal; the principle declared by Lord Coke, that the King administers his ecclesiastical laws by his ecclesiastical judges, a principle of universal application, but of the most especial and vital application, it need hardly be observed, in the trial of doctrine. And thus I arrive at the answer to my second question proposed at the outset, namely, this, that the present composition of the appellate tribunal, with regard to causes of doctrine, is unreasonable, unconstitutional, and contrary to the spirit of the Reformation statutes.

167. But we come now to the third question. Is the Royal supremacy, according to the constitution, any bar to such an adjustment of the appellate jurisdiction as should qualify it to convey the sense of the Church in matters of doctrine?

I answer in the negative, and for several reasons.

First, and mainly, because the Royal supremacy was constitutionally exercised in ecclesiastical causes by ecclesiastical judges. Whether therefore we regard the appellate jurisdiction as a part of the supremacy simply restored to the Crown, or as having its origin in the statutory enactments of the 24 and 25 Henry VIII., it matters not, in so far as that in the former case, no less than in the latter, the constitutional mode, of its exercise through ecclesiastical judges is clearly pointed out.

The culminating point of the supremacy was in the

reign of Edward VI.; yet this was the epoch, at which the *Reformatio Legum* announced to the world that the decision of grave causes of doctrine was to be intrusted to a Provincial Council.

168. But secondly, Are we quite sure that the appellate power is a part of the Royal supremacy in matters ecclesiastical at all? I propound this question of course with deference; for Blackstone tells us, "as the head of the Church, the King is likewise the *dernier ressort* in all ecclesiastical causes."\* It would perhaps have been too bold to propound it at all, had Blackstone apparently paid much attention to the point; but he does not appear in any manner to advert to the plain fact that the King had not been declared head of the Church when the appeal was given, nor to have taken it into his view, that the statute, which attaches that title to the Crown, had not been in force for two centuries before he wrote.

It is, with a view to clear comprehension of the case, a question of the highest importance, What is this appellate jurisdiction of the Crown?

169. It did not historically flow out of the doctrine of the supremacy. It was not established in terms affiliating it to such a parentage. On the contrary, it was established before the legal doctrine of the Reformation concerning the supremacy was announced by the law, and in terms demonstrating its much nearer relationship to a power well known to the canon law, thoroughly incorporated in the system of the Gallican Church, while there was a Gallican Church, and founded in the first necessities of the social order.

The High Commission Court, not the Court of Appeal,

\* Blackstone, vol. i. p. 280.

was the genuine offspring of the statutory provisions concerning the supremacy, and it exercised an original as well as a final jurisdiction. It first appeared in the first year of Elizabeth.

170. The course of appeal was determined by statutes of 1532 and 1533, while the statute declaring the King's headship was not passed till 1534 : it was by that statute, and not before it, that all lawful corrective ecclesiastical jurisdiction was annexed or attached to the Crown.

The statute of 1532, 24 Hen. VIII. c. 12, provided\* that certain appeals should not go to Rome, but should be from the archdeacon to the bishop, and from the bishop to the archbishop, in his court to be "definitely and finally ordered."†

The Act of 1533, 25 Hen. VIII. c. 19, extends these provisions to all ecclesiastical causes,‡ and then gives an appeal to the King in Chancery, with the remarkable expression that it is to be "for lack of justice" in the archbishop's court.§

171. Now this appeal for lack of justice is very nearly a translation of the French *appel comme d'abus*. The expression is not employed by the statutes in giving the appeal to the bishop or archbishop ; and it can hardly have been introduced into the later Act without a special meaning.||

I am far from presuming to assert that this appeal was identical with the *appel comme d'abus*. But it seems clear, on the other hand—1. That it was appointed in a sense

\* Sect. 4.

† Sects. 5, 6.

‡ Sect. 3.

§ Sect. 4.

|| There is a marked analogy to the language of the Constitutions of Clarendon : "Ab archidiacono debet procedi ad episcopum, ab episcopo ad archiepiscopum, et, si archiepiscopus defuerit in justitiâ exhibendâ, ad dominum regem perveniendum est postremò," &c. (Art. VIII.)

distinct from that of the common and purely ecclesiastical appeal : 2. That the *appel comme d'abus* was by no means merely analogous to the power of prohibition exercised in our common law courts for the protection of civil rights. Van Espen says :

*“Instituuntur appellationes ab abusu, cum adversus decreta conciliorum, receptas consuetudines, et jura regni, aut jurisdictionem regiam, Juxta Ecclesiasticus aliquid per abusum attentat; quod his verbis a Pragmaticis effertur solet; cum violantur Decreta, constitutiones regie, et Libertates Ecclesie Gallicane.”\**

This description of appeal arose in France, as did the appeal in England, in the earlier part of the sixteenth century, under Louis XII. and Francis I. The clergy of France laboured to obtain a definite enumeration of the matters in which these appeals should be allowed; but the Crown always answered that the right was general.

172. At any rate let this be observed; the Crown possesses the appellate jurisdiction, if we construe the two statutes 24 and 25 Henry VIII. together, under the express cover of the remarkable preamble that assigns to the spirituality the administration of ecclesiastical laws: and in conformity, as we have seen, with this preamble, was the appellate jurisdiction for a very long period actually exercised.

[Let this be so again in the matter of heresy. The sense of the Church will be sufficiently expressed, and the Royal Supremacy consistently maintained.

173. Those, who have given their adhesion to the system of Church and State as it has existed in England, may, it is possible, have conceded too much to the civil

\* Jus Eccl. Univ. part iii. tit. x. cap. iv. sect. 30.

power in respect of controul over legislative and judicial action in the Church.

But this, at any rate, must be plain to all who think that God has revealed a certain doctrine and appointed an organ for its propagation, that such a scheme as the scheme of the Reformation has here been described to be, and as probably prevailed more or less at former periods of the history of the Church, absolutely requires and presupposes in order to its justification on principle, or to its practicability in action, a prevailing and pervading harmony in the composition of the Church and the State respectively.

174. Whether or not, when such a harmony prevails, the Church can be justified in consenting to act only within the bounds and for the effects to which the State is willing to attend her with its civil sanctions, it is plain that a system of the kind becomes unchristian and even directly immoral, as opposed to the first dictates of conscience, when the State is composed in great part of those who do not own the authority of the Church at all, and when, in the minds of a further and larger portion of the community who profess her name, the idea of their relation to her has become a merely social and legal idea, and no part of the creed in and by which they hope for salvation.

The proposal to introduce in some form, and that form the one most favourable to the State and its influence, the voice of the Church into the trial of doctrine, is one that tends not to aggrandisement, and not to strife, but on the contrary to peace.

175. It can hardly be expected that those who acknowledge a spiritual allegiance to the Church will either waive their own convictions, or yield their place within her pale,

because, under a very recent law, there has appeared the wholly novel phenomenon of a court essentially temporal in the act of declaring the doctrine of the Church in a matter of the highest nature, and in a sense opposed to that of the Catholic faith: and especially when the lessons which they learn from the history of their country, induce them to believe that the statute creating that court is truly and properly, with reference to the present purpose, an unconstitutional statute; the cause, as we now know, having been an oversight on the part of its framers.

Let us consider a little, then, two points: first, whether it is unreasonable for those who are now shaken in the very groundwork of their ecclesiastical position to press with urgency for a change in the law, rather than to abandon the communion of the Church; secondly, whether that change may the more fairly be prayed for, on the ground that the system now prevailing for the trial of causes of heresy, although legal, is unconstitutional.

176. As to the first, when we consider how the passions of parties contending for what they conscientiously and dearly prize, are apt to be inflamed, and how, with inflamed passions, men must needs make false estimates of their reciprocal positions, and unreasonable demands each upon the patience and liberality of their opponents, it is not difficult to understand the displeasure of those who say, "Let the opponents of the judgment in the Gorham Case either be contented with the liberty still allowed to them as well as to their antagonists; or let them leave the Church, in which, with 'consciences set upon air-triggers,' they are disturbers of the public peace on behalf of their own private opinions."

177. But let these persons be calmly prayed to recol-



lect, that there is in the conviction of their brethren, to whom they thus appeal, a certain body of revealed truth given by God to man, and defined in an intelligible manner for his use, which it is not only the specific office but the divine commission of the Church to teach, and to which the doctrine of baptismal grace belongs. Now, *if* these things be true, then to propose that the faith and its opposite in any particular article shall be placed on equal terms within the precinct and by the law of the Church, is simply to demand that she shall betray her office. It is precisely—however startling the comparison may appear—what it would be, relatively to the marriage state, to enact that fidelity might be maintained in it, but that adultery might also be practised at the option of the parties.

178. It is a process to which if the early Church of Christ would have submitted, she never need have seen her children mangled in the jaws of lions, or writhing on the stake or in the flame. But then it is also a process which would have turned the dwelling-place of the living God into a Pantheon: it is therefore that which simply could not be; because it is contrary to the words which His hand had graven upon the Rock with a pen of iron—“The gates of hell shall not prevail against it.”

The question, whether those things be true, is one of Christian doctrine, not to be argued here. The world may not respect it as the belief of Christendom; but they surely will respect it as the private persuasion of free men held under the charter of British liberty, and in conformity, as those men are convinced and ready to maintain, with all British history and law, down to our own day.

It would therefore be vain to ask of them to do that

which, as will be seen, is at utter variance with their own fundamental principles.

179. They, who view the Church as a voluntary association of men for the purposes of what they think to be the Christian religion, may well, for the sake of peace, be minded, under supposable circumstances, to quit it, and to form another such voluntary association, as they would take a new house, or choose a new coat when they might think fit so to do.

But they, who regard a given body, called the Establishment, as being likewise the Church, and as therefore charged with the care and nurture of their souls, cannot go out of her, until she denies the Faith, and ceases to be the Church, so that they must seek the Church elsewhere.

With them, I apprehend, it never can be a matter of option or policy whether to leave the Church, as established by law, or not. Whatever permits them, will likewise drive them to depart. Whatever permits them, will likewise bind them to remain.

180. It seems therefore not unfair, that they should ask that the matter may in some way be brought to a definite issue; and that the Church, if not in a perfectly free assemblage of all her orders, yet at all events by the mouth of her Bishops, may be allowed to say what is her own doctrine.

It is not for the love of strife that they ask it; but it is for the love of peace: for the love of truth certainly, but of peace also. These two great impulses will be found entirely accordant in a case like this, so soon as the Church shall have spoken: if she spoke that which they will not contemplate or name, truth would oblige them to depart in peace; but on the other hand, as long as she is

prevented from speaking, there can be no peace with those who would so prevent her, and who would leave them only these two alternatives, to remain in the Church with doubt as to her faithfulness, or to quit it with doubt as to her treason : and so to have a safe conscience either way. This would be a mode of conduct going far beyond the licence of any social conflict ; a refinement of cruelty far surpassing the vulgar violence of physical torture ; an engine, too, of demoralisation in its working on individual consciences, such as, I should hope, it would be the recognised and common interest of us all to exclude.

181. And now is it unreasonable to say, that the law under which this Judgment has been given is contrary to the principles of the constitution ? These words have not been vaguely used. The great primordial charter of the Reformation declares, that the spirituality of England is the body properly qualified and entitled to administer the law spiritual of the land : as the temporalty administers its laws temporal. And this is the maxim on which, for many generations from the Reformation, our practice has actually been founded : the maxim which has been enunciated as indubitable by the greatest oracles of law ; the maxim which in substance, and with little other modification than the admission of the legal element in the persons of civilians, exclusively prevailed until times comparatively recent ; the maxim which, even for causes only in name ecclesiastical, predominated in the constitution of the Court of Appeal until the time within our own recent memory, the time not yet reaching the term fixed for a title by prescription to the smallest morsel of property, when the Court of Delegates was abolished, and (one year later) the Judicial Committee of the Privy Council was erected.

182. Will it be said, all this movement, away from the

statute of Henry VIII. and the maxim of Lord Coke, which is here called abuse, has really been progress and improvement? Surely it has not the signs of either. It has grown up in the worst times, the worst for religion and morality; and now that religious life is vigorous again, the materials of a strong resistance are in existence, and in vigour too. It came on in times, when indifference as to faith was spreading its deadly poison. Caring for none of those things, men did not bring heresy into question before courts. Not bringing heresy into question, nor dealing with morals, it was no wonder that for the scarcely spiritual, scarcely ecclesiastical, causes, which were the common business of the Court of Appeal, they thought less and less of the spiritual element in its composition. But again. That composition offends against first principles. It takes away the function of advising the Crown upon matters of theology from those, who are conversant with it; and commits it to those, who are not. I speak here the language of the political sphere; a theologian might have justly said, it takes the function from those who had both a divine and a human title to its exercise, and gives it to those who never had the first, have but just got the last, and have got it nobody knows how.

183. The transference, then, of these functions to the Court of Privy Council is not progress, but retrogression and decay. The maxim overthrown and disregarded is not one antiquated and unfit for these times, but one deeply founded in the nature of things, and in right human and Divine. It being such a maxim, justly may we say, that the statute, which thus tramples in the mire, is an unconstitutional statute. It is a statute as truly unconstitutional as would be our investing the Executive Government with the right of taxation, or with the dis-

persing power; as was one which, in the time of Henry VIII., gave to the Royal Proclamation the force of law: or one which, in the time of Charles I., perpetuated the Long Parliament.

184. These great maxims, fixing the relations of the chief forces that govern the community, these maxims in which we see Reason planting the land-marks of history for man, are the *leges legum*, the ὑψίποδες νόμοι of the ancients—

ὦν Ὀλυμπος  
πατήρ μόνος, οὐδέ νιν  
θανατὰ φύσις ἀνέρων  
ἔτικτεν\*.

—they are not impaired by change, but they convict and condemn change: drift away from them imperceptibly we may—it is our misfortune and our imperfection: but when a critical period has arrived, and the facts of our position are disclosed, it only remains to do as has been done in all our great periods of legislative reform, solemnly to renew our covenant with the truth, and to hand on the sacred torch, when it has been rekindled by our care, to the generation that is succeeding us in the eager race of life.

185. The only consideration, that could justify the Church's acquiescence even for a time in the continuance of such a state of things as that established by the Acts of 1832 and 1833 in their joint effect, was, that it should have worked well: that is, that the temporal judges, most indecently intrusted with the construction and application of laws strictly spiritual, should have cured by their own discretion, and that of such ecclesiastical advisers as the Crown might assign to them within the terms of the Act,

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\* Qd. Tyr. 866.

the monstrous solecism of their appointment, and should have either affirmed the judgment of the Church Court below, or at any rate, if points of law, properly so called, required them to depart from it, should have not departed also from the Faith, or undermined its obligatory power. But it has been ordered otherwise; and, under the express sanction of the two English Archbishops, the Committee has reported to the Crown with the effect, as it appears, in the judgment of high spiritual authorities, of wholly cancelling the obligation to teach within the Church of England that article of the Christian Faith which declares the remission of sins by the Sacrament of Baptism.

186. It undoubtedly *allows* that article of faith still to be taught; an apology which is vauntingly put forward, and can only be received in profound sorrow, because, as an index of the state of mind from which it proceeds, it has a mournful and a deeply ominous significance. It reminds one to ask the question, why was the Gospel the object of persecution in early times? Was it because of the bigotry and exclusiveness of the statesmanship of the day, or of the mythology to which the world gave its countenance? No; but because of its own exclusiveness. That which is the truth teaches the doctrine of love to all persons; but by virtue of that love it teaches also to hate the errors which mislead, and the delusions which blind them. The truth therefore is necessarily exclusive of its opposite; and to propose a peace between them is simply a disguised mode of proposing to truth suicide, and obtaining for falsehood victory. For truth itself, when not held as truth, but as a mere prize in the lottery of opinions, loses its virtue; that, namely, of uniting us to its fountain; since it is not by any mere abstractions, whether false or true, that we are to be healed, but by being placed in

vital union, through the joint medium of His truth and His grace, with the Source of healing.

187. Yet it is devoutly to be hoped that the Church, while she must ask for all that is needful for the vindication of her faith, and must support the petition by the tender, if necessary, of all her worldly goods as a price for that Pearl for which she is but the setting, should demand no more ; and should rule upon the side of peace, obedience, and acquiescence, every doubt that does not reach to the very charter of her being.

That which she is entitled in the spirit of the constitution to demand, would be, that the Queen's ecclesiastical laws shall be administered by the Queen's ecclesiastical judges, of whom the Bishops are the chief ; and this too under the checks which the sitting of a body, appointed for ecclesiastical legislation, would impose.

188. But if it is not of vital necessity that a Church legislature should sit at the present time ; if it is not of vital necessity that all causes termed ecclesiastical should be treated under special safeguards—if it is not of vital necessity that the function of judgment should be taken out of the hands of the existing court—let the Church frankly and at once subscribe to every one of these great concessions, and reduce her demands to a *minimum* at the outset.

Laws ecclesiastical by ecclesiastical judges, let this be her principle ; it plants her on the ground of ancient times, of the Reformation, of our continuous history, of reason and of right. The utmost moderation in the application of the principle, let this be her temper, and then her case will be strong in the face of God and man, and, come what may, she will conquer.

189. The form of the petition as it has now been

framed by the wisdom, and sustained by the consenting voice of the Bishops, is that before us in the Bill lately on the table of the House of Lords: it is a petition that the Judicial Committee shall remain unaltered in its composition; that it shall still be the single organ for the decision of ecclesiastical and spiritual causes; but that, judging for itself, and subject only to the ordinary forms of prohibition in case of excess, what matter is matter of mere law, and what of doctrine, it shall refer all points of doctrine when they arise to the Bishops of England and Wales for their report, which when obtained shall be final. Thus much I should have hoped, before the vote of the 3rd of June, was plain: that the State could not feel aggrieved; that the Church would by this measure come far short of securing all that the Reformation gave or left to her, even in this point in which it was supposed least liberal to her interests and honour; and that practically, having no power of her own to say by law on her behalf what matters were matters of doctrine, her whole security against encroachment, under such a law, must depend on the justice and moderation of the judicial tribunals of the country.

190. She would still in fact have her causes decided by the civil tribunals; a dangerous case, it must be owned, in times like these, when the temper of the State as such, by an inevitable necessity, becomes less and less congenial to the spirit of her supreme law that changes not. We must not conceal from ourselves that a great influence would be placed in the hands of those who would preside over the general conduct of the cause, would determine what issues should be referred and in what form of words, would shape every question under the influence of a spirit the least favourable to definite belief, that is, to dogma;



and would ask, again and again, until they had got the answer nearest their views of which the case admitted. If the amendment, suggested by Lord Stanley, were embodied in the measure, the power of the Judicial Committee would remain precisely as it is ; but for one I should attach so much moral weight to the deliberate judgment of the Bishops, that I should greatly scruple to refuse the Bill with that amendment.

191. But it would be a gain that these decisions should come from a court avowedly civil rather than from one pseudo-ecclesiastical.

It would be another gain that this civil court should by law be bound to refer questions of doctrine to the episcopal body, which again might very properly be bound to treat them in the manner most formal, and best calculated to insure deliberate and judicial answers to those references. Whatever may be thought of the influence of the majority of the House of Commons over episcopal appointments, and of the prospects of the Church in connection with its exercise hereafter, every such churchman as I have described, who is also a loyal subject, should feel, that if the collective and judicial voice of the Bishops should deliberately utter as matter of doctrine what he individually believes to be contrary to the Catholic Faith, he could hardly claim to carry on a contest with them, as a member of the Church established by law.

It appears then as if this plan, or some such plan as this, represented the extremest point up to which the love of peace, the principle of civil obedience, and a desire to avoid endangering the institutions of the country, might under the circumstances properly carry the concessions of the Church, in the hope of thereby satisfying even the extremest jealousy that the State can feel towards her,

192. And what would be asked of the State? What would that be which it would have to concede? It would have to do for that, which it acknowledges as the branch of the Catholic Church established in England, what it is continually doing for the humblest of its subjects, associated or not, namely, redressing proved grievances, which have arisen from oversight or otherwise. But in redressing this grievance, it would make no special or exceptional recognition of the authority of the Church. It would act upon the analogy of law, sustained and required by common sense, under which it is already the established practice of the courts to waive all pretensions to universal knowledge—to refer questions of law from a court of equity to a court of common law—questions of fact to a jury; and so in the courts of common law, to refer for foreign law to the authority of those who know and teach it; and in particular branches of jurisprudence, as, for example, mercantile or medical, to treat the points which belong to each especial branch of technical knowledge as issues of fact. On this principle it is now proposed to take, with respect to doctrine, the verdict of the Bishops of England and Wales.

193. If, my Lord, it be felt by the rulers of the Church that a scheme like this will meet sufficiently the necessities of her case, it must be no small additional comfort to them to feel that their demand is every way within the spirit of the Constitution, and short of the terms which the great compact of the Reformation would authorise you to seek. You, and not those who are against you, will take your stand with Coke and Blackstone; you, and not they, will yield the weapons of constitutional principle and law; you, and not they, will be entitled to claim the honour of securing the peace of the State no

less than the faith of the Church; you, and not they, will justly point the admonitory finger to those remarkable words of the Institutes:—

“And certain it is, that this kingdom hath been best governed, and peace and quiet preserved, when both parties, that is, when the justices of the temporal courts and the ecclesiastical judges have kept themselves within their proper jurisdiction, without encroaching or usurping one upon another; and where such encroachments or usurpations have been made, they have been the seeds of great trouble and inconvenience.”\*

Because none can resist the principle of your proposal who admit that the Church has a sphere of proper jurisdiction at all, or any duty beyond that of taking the rule of her doctrine and her practice from the lips of ministers or Parliaments.

194. If it shall be deliberately refused to adopt a proposition so moderate, so guarded and restrained in the particular instance, and so sustained by history, by analogy, and by common reason, in the case of the Faith of the Church, and if no preferable measure be substituted, it can only be in consequence of a latent intention that the voice of the civil power should henceforward be supreme in the determination of Christian doctrine.

It is melancholy, it is full not only of sadness but of shame, to hear men protesting against being bound by a doctrinal report from the Bishops of the Church, who are also and at the same time protesting against objections to a doctrinal report from gentlemen bred in Westminster Hall. Every member of the community, it seems, is on the whole fit for his office, except those whose especial privilege it is that they, more clearly than any other class, act under the direct transmission of a Divine authority.

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\* Coke, Inst. vol. vi. part iv. ch. 74.

195. I find it no part of my duty, my Lord, to idolise the Bishops of England and Wales, or to place my conscience in their keeping. I do not presume or dare to speculate upon their particular decisions; but I say that acting jointly, publicly, solemnly, responsibly, they are the best and most natural organ of the judicial office of the Church in matters of heresy, and according to reason, history, and the Constitution, in that subject-matter the fittest and safest counsellors of the Crown. I am not ashamed to express the deep alarm with which I regard the consequences of such rejection as I have described, because some of those, among whom the evil would most powerfully operate, are not the pertinacious grasshoppers chattering in the sun, but the goodly cattle silent in the shade.

I do not speak of the recent vote as constituting the case I have in view, but even that vote is no inconsiderable step taken towards a disastrous rupture.

196. We should, indeed, have a consolation, the greatest perhaps which times of heavy trouble and affliction can afford, in the reduction of the whole matter to a short, clear, and simple issue; because such a resolution, when once made unequivocally clear by acts, would sum up the whole case before the Church to the effect of these words: "You have our decision; take your own; choose between the mess of pottage, and the birthright of the bride of Christ." Those that are awake might hardly require a voice of such appalling clearness; those that sleep, it surely would awaken; of those that would not hear, it must be said, "Neither would they hear, though one arose from the dead."

But She that, a stranger and a pilgrim in this world, is wedded to the Lord, and lives only in the hope of His

coming, would know her part; and while going forth to her work with steady step and bounding heart, would look back with deep compassion upon the region she had quitted—upon the slumbering millions, no less blind to the Future, than ungrateful to the Past.

197. And yet, my Lord, I must venture on one word more before I close.

The name of the Count de Maistre has become one of European celebrity. He is one of the writers who have had the very largest share in shaping the modern tendencies of the devout and energetic portion of the Roman Catholics of Western Europe. He is, unhappily, of the “most straitest sect” of that church—of that ultramontane school, which has been from its first origin alike needful and dangerous to the Roman system; and he has defined its principles with even an augmented sharpness, and wound them up to a higher intensity than they had before attained.

Yet listen to the words in which he writes of the Church of England:—

“Si jamais les Chrétiens se rapprochent, comme tout les y invite, il semble que la motion doit partir de l'Eglise d'Angleterre. Le presbytérianisme fut une œuvre française, et par conséquent une œuvre exagérée. Nous sommes trop éloignés des sectateurs d'un cult trop peu substantiel: il n'y a pas moyen, de nous entendre, mais l'Eglise Anglicane, qui nous touche d'une main, touche de l'autre ceux que nous ne pouvons toucher; et quoique sous un certain point de vue, elle soit en butte aux coups des deux partis, et qu'elle présente le spectacle un peu ridicule d'un révolté qui prêche l'obéissance, cependant elle est très-précieuse sous d'autres aspects, et peut-être considérée comme un de ces intermédiaires chimiques, capable de rapprocher des élémens inassociables de leur nature.”\*

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\* *Considérations sur la France*, chap. ii.

198. It is nearly sixty years since thus a stranger and an alien, a stickler to the extremest point for the prerogatives of his Church, and nursed in every prepossession against ours, nevertheless turning his eye across the Channel, though he could then only see her in the lethargy of her organisation, and the dull twilight of her learning, could nevertheless discern that there was a special work written of God for her in heaven, and that she was VERY PRECIOUS to the Christian world. Oh! how serious a rebuke to those who, not strangers, but suckled at her breast, not two generations back, but the witnesses now of her true and deep repentance, and of her reviving zeal and love, yet (under whatever provocation) have written concerning her even as men might write that were hired to make a case against her, and by an adverse instinct in the selection of evidence, and a severity of construction, such as no history of the deeds of man can bear, have often, too often in these last years, put her to open shame! But what a word of hope and encouragement to every one who, as convinced in his heart of the glory of her providential mission, shall unshrinkingly devote himself to defending within her borders the full and whole doctrine of the Cross, with that mystic symbol now as ever gleaming down on him from heaven, now as ever showing forth its inscription; *in hoc signo vinces*.

I remain, my Lord Bishop, with dutiful respect,

Your most faithful Servant,

W. E. GLADSTONE.]

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# GLEANINGS OF PAST YEARS,

1851-75.

BY THE RIGHT HON.

W. E. GLADSTONE, M.P.

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**I.**

**ON THE FUNCTIONS OF LAYMEN IN THE  
CHURCH.\***

1851.

A LETTER TO THE RIGHT REV. WILLIAM SKINNER, D.D., BISHOP OF  
ABERDEEN, AND PRIMUS.

RIGHT REVEREND AND DEAR SIR,

1. THE times in which we live add greatly to the cares and responsibilities of the Fathers of the Church, most of all if they are set and determined, as their office requires, upon facing unbelief in its insidious beginnings; and upon a jealous watch and ward for the precious deposit committed to their charge. But they seem, herewith, to present this peculiar feature, that, as in civil, so in spiritual matters, they tend to devolve upon the governed a portion of the work of government. It is that tendency, when working without method or control, that makes the period revolutionary; but which, when kept within due bounds; and trained to act according to stable and well-adjusted laws, seems capable of being so used as to give increased vigour to legitimate authority, along with increased scope for reasonable freedom. On this account, and from the experimental evidence afforded by the recent history of several States, it would seem that what is called a constitutional system, though not

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always easy to realise, is, when it can be attained, for the present period of human destinies, the great Providential instrument for effective resistance to anarchical designs.

2. But the Church may, it is probable, have a double danger to encounter. In common with States, she has to fear the consequences, which may be wrought upon her established order by an unregulated appetite among her own members for the exercise of power. But she has in some countries a further danger to apprehend, from the side of the State itself: the exercise, namely, of State influence and of State power, not only by way of due check and control over her movements, but by way of assuming (whether professedly or not is not now the question, and, if it is to be at all, it were far better that it should be professedly) the privilege or function of ultimately deciding both her doctrine and her discipline.

3. I do not indeed say that this is a fact already palpable to all. On the contrary, many are still blind to it: so blind, that they recklessly precipitate the danger: so blind, that we have only to wish their day of vision may not come too late. But I speak of it as a fact plain enough to those who watch for the signs of the times, and who, in the moral hemisphere, can portend foul weather when "the sky is red and lowering."

4. Now this assumption may make its advances in more ways than one. It may be under direct legislative provisions. It may be through the exercise of patronage and what is termed the power of the purse. It may be, and that almost *ex necessitate rei*, through the administration of the judicial office. The first of these modes must be mainly applicable to an Established religion; and has no application worth naming to that Episcopal Communion over which you, Right Reverend Sir, and your Brethren,

preside with the universal reverence of its members. Neither is the second felt, if it be understood with regard to secular influence from the State, as contra-distinguished from other secular influences. But from the third you neither are nor can you be exempt. The mere establishment by law of religious freedom, it should be well recollected by all, but especially by the members of unestablished communities, cannot of itself secure their liberty of conscience from practical invasion and curtailment by the judicial power. As bodies, they must have rules. As bodies of human beings, they must occasionally have refractory or dissentient members, perhaps dishonestly seeking to evade the operation of those rules, perhaps honestly but erroneously, nay, perhaps in given cases, both honestly and correctly, desirous to fix upon them a construction different from that attached to them by the general sense of the religious community to which they belong. And lastly, as bodies regularly organised, they must usually have paid officers, and very commonly also purchasable privileges; so that the sheer laws of their existence necessarily carry us to a point where spiritual rights come to intermix with temporal. When, therefore, any minority, or any individuals, go into a Court, and raise there a question relating to these paid offices or endowments, or these purchasable privileges, they raise a question of temporal and civil rights, which does not cease to be such because some other question of spiritual rights runs upon a parallel line with it. And I apprehend it will be found very difficult so to frame the contracts (for such are our Canons, and the rules of other unestablished bodies) between the members of a religious society, as to exonerate the Courts from the duty of entertaining, indirectly indeed, but in supposable cases most substantially,

questions upon the vital construction of our ecclesiastical laws. Not perhaps with the same frequency, or the same directness, or the same breadth of scope, as in the case of an Established Church; but yet sufficiently to remind us that, if we wish to be wholly free from meddling, we must not rely implicitly on any written document, but must have arms in our hands for self-defence.

5. The very last imputation I should think of casting on the time-honoured Courts of this country would be that of a *desire* to trespass upon the sphere of religious liberty. It is their conscientiousness, not their want of conscience, which has led, and may again lead, them into it. In the celebrated case of Lady Hewley's charity, Sir Lancelot Shadwell, the late highly respected Vice-Chancellor of England, delivered from the bench something very like a dogmatic treatise, and concluded with a judgment that alienated dissenting endowments from purposes to which they had theretofore been applied, upon grounds avowedly dogmatic. Now, though, as I have said, there may be no undue disposition to enter the sphere of religion and of the rights of conscience, and though, when a judge has entered it, there will be no conscious deviation from strict equity, yet I for one frankly own that I view the temporal judge, when he has once got there, with the greatest jealousy. I am jealous, partly because he has to try a subject-matter with which he is not competently acquainted, while his lack of competence is not supplied by fixed rules of reference to experts, as it sometimes is when non-legal issues are indirectly raised. And, further, because in countries where, as in Scotland, there is an established religion, whose laws have a thousand points of contact with those of the State, a habit of mind may very naturally, nay, must ordinarily, be formed more or less in

judges, which may lead them, unconsciously to themselves, to make the ideas belonging to the State religion the measure and standard for the corresponding subjects in other systems, and to claim more than properly belongs to them, upon occasions when they have to deal with the interpretation of the canons or rules of an unestablished community.

6. Ecclesiastical discipline, together with theology, representing organised and historic systems, are full of technical terms, which are to be learned only like the technical terms of other sciences or arts. And lawyers have no greater inborn or spontaneous knowledge of these terms, than they have of the differential calculus. Neither have they, in virtue of their being lawyers, the theological habit of mind, without which these technical terms are in many cases ill to be apprehended. We may frequently observe that, when they get into people's mouths, they are, because misunderstood, only instruments of delusion to those who use and those who hear them. For example, many men, and even occasionally a judge or two, will talk about an *opus operatum*, meaning thereby a perfunctory or ceremonial act; a sense, I need not say, absolutely different from the true one. In short, Right Reverend Sir, to lay aside circumlocution, and utter outright the word which solicits me, there is great fear lest judges, dragged *pro re natâ* into theology, should, and of course to the detriment of somebody or other, talk nonsense.

7. Now, this danger is not of the fatal kind to us, of which it would be, if any such judgment of the civil courts involved an obligation upon conscience beyond the limit of the temporalities concerned. Up to that limit of course they do, even for a voluntary society, involve such

an obligation ; but when they pass beyond it, they are waste-paper. Yet still this is a danger that might lead to very formidable evils ; a danger (which is my present point) that ought to be guarded against. Perhaps we are not justified in excluding wholly from our view the further fact, that more direct interference with your religious freedom, which is also ours, may not be wholly out of the question ; inasmuch as, during the present year, your Reverences have rather narrowly escaped the proscription by statute of your regular, and your only regular, ecclesiastical designations. True, this was owing to singular and unexampled causes ; but yet, what has happened may, as a general rule, happen again.

8. Mere law, then, as I have said, is not of itself a sufficient guarantee for religious freedom. But God forbid I should underrate its importance. The time has been when, as I think, it was the duty of a good citizen to look with utter aversion on whatever seemed to impair strictness of religious character and profession in the State. With that religious character, consistently and rigidly maintained, it is hard, as we must admit, to reconcile full liberty of conscience ; but in maintaining it, for the times of which I speak, the greater good was preserved, and the lesser sacrificed. It is not so now. It is now so utter an impossibility to uphold a consistent religious profession in the State, that we must be satisfied with an inconsistent one ; and thankful, if it do not shock the common reason and sense of justice planted in mankind, by affecting a bastard and deceptive consistency. I am jealous of all attempts at consistency in this matter, most of all because I am convinced that they would and must result in the greatest of civil calamities ; the mutilation, under the seal of civil authority, of the Christian religion itself. The

garment will not fit the wearer ; and if it is to be put on, as his figure cannot change to suit it, it therefore must change to suit him ; must stretch here, and draggle there, and tear everywhere. If such would be the necessary result of aiming at consistency, we may well be content to forego the effort for attaining it.

9. But then this inconsistency of profession, being radical and systematic, palpably and greatly alters the qualifications and authority of the State in respect to religion ; and reduces it more and more to the character, although employed *circa sacra*, of a temporal agency and influence. The great, all-conquering wave of Christianity may indeed be receding from the summits of society, which it took centuries to reach. We have now had before us for many years the undeniable and singular fact that, while the tone and amount of personal religion have been rising in general society, the religious character of the State, as such, has progressively declined. But the provision made by the Almighty for the everlasting maintenance of His truth can never fail, if and where His Church is true to herself. What, then, we (I mean the members of all independent religious bodies, in which capacity only, and as one connected with Scotland, I now write) have to desire, is, generally to be let alone, and specially not to be put upon the bed of Procrustes, a mode of accommodation by no means out of favour in some quarters.

10. The duties of Christian and citizen now, as ever, coincide. The religious peace which the latter must desire, can only be had by the maintenance of the religious freedom, which nothing should induce us to compromise. I do not indeed think that our religious freedom in Scotland is impaired by a cordial and thorough observance of



the legal rights and privileges of the Church Establishment. I say frankly, I view those privileges as constituting no infringement whatever of what is essential in religious freedom. That cordial observance I trust we are all prepared to pay. But, on the other hand, I am sure the clergy and members of the Establishment generally are too wise to follow the ridiculous example set by a handful among them, who last year\* petitioned Parliament to proscribe the appellations belonging to our Diocesan Episcopacy.

11. Against all such encroachments I for one will steadily set my face, and will labour to the uttermost, whether it be ostensibly on our own behalf or on behalf of others, whether for the sake of common justice, or of religious peace, or of Divine truth itself, to assert the principle, vital to us all, of a full religious freedom. That principle, I contend, when the State has ceased to bear a definite and full religious character, it is no less our interest than our duty to maintain. Away with the servile doctrine, that religion cannot live but by the aid of Parliaments. That aid is a greater or a lesser good, according to circumstances; but conditions are also supposable, under which it would be a great evil. The security of religion lies, first in the Providence of God and the promise of Christ: next in the religious character, and strong sentiment of personal duty and responsibility, so deeply graven on this country and its people. But if that character and sentiment be the mainstay of our reliance here on earth, our first duty must be to see that full scope is given to it; that the development of conscientious

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\* [On the occasion of the ill-starred Ecclesiastical Titles Bill.—W. E. G., 1878.]

convictions, in whatever quarter, is not artificially impeded by legislative meddling; that however wary and patient we may be as to any question of moving forwards, above all we be careful not to move backwards, nor for one moment acquiesce in any kind of tampering with the existing liberty of conscience in the persons either or ourselves or of others.

12. But if, as I have thus far striven to show, the simple assertion of this freedom by law, positively or negatively, be not of itself, especially in a country having a national establishment of religion, enough for the reasonable security of conscience, the question arises, by what further and other means can it be defended? I answer, by the creation of a vigorous and watchful public opinion, both in the different religious communions and among the people at large, in its favour.

Now this public opinion, so far as it is extrinsic to the religious bodies themselves, will thrive in proportion as it shall be seen, by the community at large, that the energies of these bodies are effectively exerted for the promotion of social peace, order, and morality. The next inquiry, then, must obviously be, how are they to make themselves conducive to these purposes in the highest attainable degree? My answer is, by the full and free development of their energies from within: that full and free development, which can only be realised through a regular constitutional organisation.

13. Nor let it be apprehended that this organisation, and this increase of spiritual vitality and strength, will be regarded with jealousy even by the most ardent among the rational and consistent lovers of civil freedom. This good, at least, our religious divisions have brought to us, along with their many evils, that, where they prevail so

extensively as among us, no fears need be entertained of the effective or general use of ecclesiastical influences in a manner hostile to public liberty. I say public liberty, because that private and inward freedom which depends upon the will, no laws can uphold where the will itself ~~falls~~ or flags in its office; and law ought not to aim at defending individuals against the faulty working of systems which are not under the cognisance of law, but which they have themselves chosen and contrived, or to which they have voluntarily attached themselves.

14. The time has been, when the power of the Church was so great and unruly, that it threatened to absorb the co-ordinate and independent power of civil authority. But, in order to carry on such a struggle with a prospect of success, the Church must be, if not wholly, yet nearly coextensive with the State. Where the nation is split, as in Scotland, into so very great a variety of religious communions, with no one of them absolutely preponderating in numbers and influence, we have, I should say, much more than the needful assurances, that no such danger can recur; unless, indeed, by its encroachments on religious freedom in general, the State should compel all sects and churches, that value their respective liberties, to unite against a common danger.

15. Plenary religious freedom, on the other hand, brings out into full vigour, and also into fair and impartial rivalry, the internal energies of each communion, so that they stand simply upon their merits before the world. Should any one of them attempt to trespass on the civil power, all the rest will combine with that power against it. And while freedom of conscience, impartially granted to a variety of communions, is thus the best security against collisions between civil and spiritual authority,

it likewise directly serves the social purposes for which States exist. For these diverse, and to a considerable extent competing, bodies do in many ways, through the Divine mercy constraining evil to be the minister of good, provoke one another to love and to good works, and are, generally speaking, effective, in something near the ratio of the free development of their energies, towards the maintenance of order and of external or public morality.

16. In proof of the soundness of this reasoning, I would appeal to the United States of America. There surely, of all countries in the Christian world, the peril of encroachment by ecclesiastical on civil authority is the least. And there, also, religious freedom is the most full and unrestrained, and the most universally and dearly valued, both by those who deem it an indispensable safeguard to the revelation of the Gospel, and by those who witness the effect which, at least for a country where it has started with a clear and open field, it produces, in keeping the peace between Church and State, and in applying the energies of all communions in the manner most favourable to the elementary purposes of civil society. I quote this case only to show, that full religious freedom, while it is the object to which, of all in the political hemisphere, an unestablished body of Christians must naturally look with the most profound interest, is likewise highly beneficial to public order and morality, and need entail no danger whatever to political harmony and the well-being of the State. Let a Minister adopt this for the principle of his ecclesiastical police; to deal liberally with religious communities, and give them all fair play; and to let them stand sentry upon one another. The laws will be all the more respected, the peace all the better kept.

17. We have reached, then, this point in the argument,

that, in a country like Scotland, where religious influence and profession are so much divided, a thorough and regular organisation for ecclesiastical purposes, being among the legitimate means of raising to its maximum the proper activity of the several religious communions, will likewise be a means of enlisting public opinion, so far as it is extrinsic to religious bodies, in favour of their freedom.

18. But the remaining part, and a very important part, of the public opinion of the country, is that which may be called the public opinion of religious bodies themselves: the opinion of those who are either primarily, or at least definitely and deeply interested in their welfare, and who act with a direct and systematic view to it. Now this portion of public opinion is already in favour of religious freedom in a very great and an evidently growing degree: and this among all bodies of Scottish religionists, although with various distinctions of amount and kind. But I may observe that in one point we all are pretty much agreed; we are all, without any exception whatever, in favour of religious freedom for ourselves. Even those, who would seat the civil power upon the altar of God, are so minded because there is nothing in their views of doctrine or of discipline, with which they think the State is likely to interfere. But when I speak of a lover of religious freedom, I mean one who, desiring the full enjoyment of it for his own communion, is not willing only, but anxious, as he prizes the sacred principle of justice, to accord to all other religious bodies precisely the same measure; and to guard all alike against secular interference in their concerns, so long as they do not trespass upon the sphere of secular affairs.

19. In this sense of religious freedom, it is certainly a principle still but imperfectly apprehended; a principle

more imperfectly apprehended, more darkened by selfishness and sophistry now, than it was fifteen months ago. But its future progress is absolutely certain. For as every class is now with increasing boldness asking the boon on its own behalf, only a little time and experience are requisite to show to each that in religion, just as in matters of civil interest, what he wants to get or keep himself, he must be ready to confer or defend, on the same terms, for others. As with property, so with religious freedom: the rights of each man are the rights of his neighbour; he that defends one is the defender of all; and he that trespasses on one assails all. And in these matters the mass of the community will judge fairly, when once the facts are fairly before them, however they may require time to clear their view of the case, or however they may occasionally tread awry. Given, I say, these two conditions: first, the principle of civil equality before the law, and secondly, the general desire in each man for his own religious freedom; and then the ultimate recognition of such freedom for all is as secure, as the maintenance of such equality.

20. But what I further humbly propound is, that, while the progress of the desire for religious freedom within our religious communities is a certainty, those will most fully profit by its advantages who shall have learned its lessons earliest; and those best neutralise its hazards, who shall have accepted it with cordiality and grace. My earnest desire then is, that we should be early learners in that school. It is on that subject, and with that view, that I now lay my thoughts before your Reverence.

But assuredly the true mode of learning freedom is by its practice. Not by a transition from one violent extreme to another, but by the careful use and the steady extension

of such machinery and means as we possess, in the direction of the purposes we have in view.

21. What I have hitherto said has been upon grounds, and in language, common I think to the members of all religious communities indiscriminately, other than those established by law. I come now to speak as a member of a particular religious body, and in the phraseology which belongs to it.

I venture to represent to your Reverence, and to your right Reverend and highly esteemed Brethren of the Episcopal College, that the means of extension and progress in this matter are possessed in a high degree by the Episcopal communion of Scotland. It is not practically galled, at least within Scotland, by the smallest legislative restraint. It is in no way mixed up with political party. It lives upon terms of perfect good will with its numerous and variegated neighbours. It has a ruling body strong in the respect and attachment of its members, strong in historical descent, strong in the remembrance of a long period of depression and proscription not ignobly borne, strong (I waive descanting on personal qualities) above all in the conviction of the society that those, who bear rule within its pale, bear rule according to the Word of Christ and the tradition of the Apostles. It has the profession, and some at least of the practice, Church discipline. It honestly professes, and to a great degree realises and enjoys, unity of belief on all the Articles of the Christian Faith. It is in a state of steady expansion, and where it strikes its roots, appears to strike them deeply and securely.

22. It has escaped the painful and scandalous differences and controversies upon matters of belief, which have so sorely torn the Church of England; which have been

attended (wherever the blame may lie) with the loss of many able and learned, and, what is more, of many most zealous and devout men from among her clergy and her members; and which, under the handling they have received within these last four or five years, have become progressively more menacing and angry. These controversies, I say, it has escaped; and the small portion of discord or dispute, that has found its way here, would seem to have been imported from beyond the border. Discussions without doubt we have had among those of our own body, but commonly upon matters of minor moment; or if upon matters of moment, yet the dispute has involved their form and order, rather than their essence. Of course I do not apply the name of a dispute to the exercise of legitimate authority, which has severed the link of communion between our Church and some few gentlemen who were once her ministers, but found themselves unable to acquiesce in her laws.

23. But there yet remains to be noticed the advantage most relevant of all to the present purpose. We have already a system of Church government in action, and the only question can be, whether we should have an extension of its basis, effected through the free choice, and the spontaneous boon, of those in whom it now resides. It is not required to create, but only to enlarge, and the field, in which the enlargement is to be made, is a clear and open field.

24. Miserable indeed would be the prospect of the coming times, if we believed that authority and freedom were simply conflicting and contradictory elements in the constitution of a community, so that whatever is given to the one must be deducted from the other. But no Briton, who has devoted any portion of his thoughts to the history



of his country, or the character of its inhabitants, can for a moment be ensnared into that, for him, false and degrading belief. It has been providentially allotted to this favoured isle that it should show to all the world, how freedom and authority, in their due and wise developments, not only may coexist in the same body, but may, instead of impairing, sustain and strengthen one another. Among Britons, it is the extent and security of freedom which renders it safe to entrust large powers to Government, and it is the very largeness of those powers and the vigour of their exercise, which constitute, to each individual of the community, the great practical safeguard of his liberties in return. The free expression of opinion, as our experience has taught us, is the safety-valve of passion. That noise of the rushing steam, when it escapes, alarms the timid; but it is the sign that we are safe. The concession of reasonable privilege anticipates the growth of furious appetite.

25. Regularity, combination, and order, especially when joined with publicity, have of themselves a marvellous virtue; they tend to subordinate the individual to the mass, they enlarge by healthy exercise the better and nobler parts of our nature, and depress the poorer and meaner; they make man more a creature of habits, and less of mere impulse; they weaken the relative influence of the present, by strengthening his hold upon the future and the past, and their hold upon him. By gathering, too, into organised forms the various influences that bear sway in a mixed community, and leaving them to work within prescribed channels, those which are good acquire the multiplied strength of union, while the bad neutralise one another by reciprocal elimination. It is a great and noble secret, that of constitutional freedom, which has

given to us the largest liberties, with the steadiest throne, and the most vigorous executive, in Christendom. I confess to my strong faith in the virtue of this principle. I have lived now for many years in the midst of the hottest and noisiest of its workshops, and have seen that amidst the clatter and the din a ceaseless labour is going on; stubborn matter is reduced to obedience, and the brute powers of society, like the fire, air, water, and mineral of nature, are with clamour indeed, but also with might, educated and shaped into the most refined and regular forms of usefulness for man. I am deeply convinced, that among us all systems, whether religious or political, which rest on a principle of absolutism, must of necessity be, not indeed tyrannical, but feeble and ineffective systems; and that methodically to enlist the members of a community, with due regard to their several capacities, in the performance of its public duties, is the way to make that community powerful and healthful, to give a firm seat to its rulers, and to engender a warm and intelligent devotion in those beneath their sway.

26. Can it be thought that this, being true of civil, is false in regard to ecclesiastical affairs? To my mind there could be no more monstrous paradox, than such a proposition would involve. It seems to suppose that the office of Christianity is not to regulate, but to derange and upset the structure, and to reverse the processes, of human nature, or to place its powers in abeyance. There are, indeed, systems of theology, which might prepare us for eliminating in one way or another from that nature the fundamental element of its freedom; but they are systems which on that account you, Right Reverend Father, would regard as dangerous, or even as heretical. Now what I cannot well conceive is this: how it can be

maintained, not only that man is metaphysically free, but likewise that each person ought in his spiritual concerns to hold the reins over his own being and conduct, and yet denied that the lay community of the Church ought to have defined and recognised functions in relation to her government. The habits of freedom and self-direction, formed in the sphere of the personal life, will not well brook total and systematic exclusion from the exercise of public influence in the Church : and the result of such an arrangement has too often been, as, indeed, were it not for the all-powerful corrective influence of our religion, it would ever be, either unappeasable turbulence, or immovable supineness and indifference.

27. The prevailing policy of the Church of Rome is more consistent. That policy is indeed proverbially most jealous of admitting laymen to any share in ecclesiastical functions ; but then it begins at the beginning, and takes away from the individual (if he will suffer this to be done) the decision in the last resort upon his own moral conduct, not only by rendering his access to the Holy Sacraments dependent under all circumstances on the will of the priest, but by the modern and very remarkable and ominous development of her discipline, in the form of what is called Direction.

28. But I understand the Reformation, such as you receive it, to have re-established a most important ethical and social principle, in throwing upon each individual Christian the weighty responsibility of being, except in the case of open and palpable offences of whatever kind, his own spiritual director, and himself the sole judge of his own need for help in that kind. Now I do not believe that those who, in the sixteenth and seventeenth centuries, gave statutory form to the religious changes in

England, intended or did anything so absurd, as to emancipate the lay community of the Church in respect to their personal action, and then utterly to exclude them, as a lay community, from any regular share in the management of Church affairs, any liberty of assenting to, or dissenting from, the laws ecclesiastical by which they were to be governed. No course could have tended so powerfully as one of this kind to the ultimate disorganisation of the body. But the sanction of Parliament to the laws ecclesiastical was, both historically and constitutionally, the assent of the laity to those laws. I speak here of England rather than of Scotland, where the relations of Church and State remained, from the middle of the sixteenth century down even to the last years of Anne and the Act of Patronages, in almost constant vicissitude, convulsion, and confusion.

29. If, therefore, I venture to open the question, whether the lay element might not, at an early date, receive with great advantage, under the hands of the Right Reverend College of Bishops, a regular organisation, I beg to point out that this is a principle not only recommended by abstract argument, but deeply embedded in the Reformation, according to its actual and historical development in English history. I cannot here do better than invoke the authority of Hooker; more especially, because his theories upon these questions of polity were manifestly formed in great part from, and therefore very much reflect the sense and meaning of, our history. "Were it so that the clergy alone might give laws unto all the rest, forasmuch as every estate doth desire to enlarge the bounds of their own liberties, is it not easy to see how injurious this might prove to men of other conditions? Peace and justice are maintained by preserving unto every order

their right, and by keeping all estates as it were in an even balance."\* It is sufficient for my purpose to quote this authority in general terms, without going back to early precedent either in the Acts of the Apostles or in the ordinary law or usages of the Church. The facts, however, of our own Anglo-Saxon history alone amply suffice to show that the principle for which I would plead is no new-fangled invention, but one well known to a period to which Englishmen are justly and wisely fond of carrying back the origin of their system of jurisprudence.

30. Nor can we put aside, as superannuated, the precedents of the Reformation. Antiquated, indeed, they are in one sense, namely, as to the particular form in which the principle was applied. That form depended on the close alliance, coming near amalgamation, of the Church and the State in England; but the vitality of the principle itself has received recent, nay is receiving almost daily, testimony. The Episcopal Church in the United States has given a distinct place and vote to the lay order in its Ecclesiastical Assemblies. No doubt that Church is far from presenting to us anything like a perfect system; but the whole weight of testimony from the most competent and dispassionate authorities, quite irrespective of particular leanings of opinion, is in favour of this lay representation, as being not the cause but the corrective of passion and disorder, as adding greatly to what may be called the ballast of the Church, while it is likewise found to be an incalculable and an indispensable source of expansive strength.

31. Such, then, being the case of America, the Church in our own Colonies has, by a simultaneous movement at

opposite extremities of the world, borne signal testimony to the same principle and need. In Canada, the Legislative Council of a Colony with nearly two millions of inhabitants, as well as a Synod or Assembly of five Bishops of British North America; and in Australasia a similar Synod of six Bishops, backed, I believe, in both instances, by the very general assent of laity and clergy, have declared in favour of an organised Church government, on the footing of voluntary contract, and with some form of lay representation. The very last arrivals from the Cape of Good Hope have brought a similar declaration from the indefatigable Bishop of that Colony.

32. If such be our case in regard, first, to facilities and inducements, and secondly, to historical authority and precedent; on the other hand, there are circumstances in our condition, which seem evidently to point out a need for doing whatever can be done to strengthen and improve our ecclesiastical organisation. Our laws are too weak on all sides, and our discipline but defective. The laity, having no regular and constitutional means of exercising an influence on the policy of the Church, even by the expression of opinion, too often hang loosely in their relation to it, and sometimes are led, from want of defined and legitimate privilege, to the use of means essentially anarchical as well as unecclesiastical, such as the local and irresponsible exercise of the power of the purse.

33. Although we are in the happy condition of having only to build upon foundations already laid, yet the need of building, I must confess, seems to me to be as urgent as it well can be. Not but that, if the Rulers of this Church were content to close their eyes upon the broad field opening around them, and to confine themselves to meeting inevitable calls, and discharging the duties of

routine within the present narrow limits of their communion, it might be in their power to pursue such a course. But it is easy to predict that, claiming to occupy the ancient Sees of Scotland, and to represent her sainted Missionaries and her [earliest Episcopate, they will feel that such a claim is one of responsibility even more than of dignity; and their efforts to meet that responsibility will, without doubt, be bounded only by the means and opportunities, which Providence is manifestly and rapidly enlarging.

34. If, Right Reverend Sir, there be any of our members who doubt whether our ecclesiastical polity have enough of intrinsic vigour to bear the strain and pressure, with more or less of which all effective government is carried on, I trust they will ask themselves whether their faith in the power of truth, and in the soundness and impregnability of their own position, is altogether what it ought to be. For my own part, I feel that the multitude of extraordinary lessons which the Church history of England during these last years has conveyed, ought not to remain unimproved; and that unimproved they would remain, if they should leave behind them, either here or there, any of that bias which existed in many quarters antecedently to them, in favour of trusting to the force of inertia, to the chapter of accidents, to the assistance of the civil power, to the influence of property, to anything, in short, and everything, except the full, free, and fearless reliance on the Divine Mission and Doctrine of the Church, and the unhesitating resolution to stake and spend all upon that issue.

35. Still, a strain like this is not the sedative which I for one would recommend to mitigate the alarms of the timid and reluctant. To them I would presume to say,

as the spirit of wisdom will not permit the wilful acceleration of a crisis, so, when the crisis has arrived, futile efforts at procrastination can only purchase a miserable momentary respite at an unbounded cost, and the path of safety lies only through a tempered and calculating boldness. Let us travel back once more to the case of the United States. Every danger, which could attend the attempt to organise the Church on an extended basis, was far more menacing there than it is here. Every safeguard, to which we might look for encountering such dangers, is far stronger here than it was there. Let us for a moment consider the deplorable condition of the Episcopalian body in America, at the time when the Union commenced its wonderful career. For generations they had laboured under the disabilities of legal and political establishment, while they had sensibly shared in none of its advantages. Their system was at once inflexible and feeble; and the want of Bishops was not a want only, it was the absolute and total inversion of the structure of their polity, and it cut them off, in no small degree, not only from the guarantees of order and discipline, but from the sources of spiritual vitality. Weak in numbers, they were weaker in spirits; and, though their outward extension had been so much curtailed, they were a mass as loose and promiscuous as the fullest legal establishment and the swelling titles of nationality could have made them, while within their narrow limits there was found room enough for the spirit of dissension, sure to enter where the spirit of order and the tempering hand of law do not bear sway. Lastly, their political opinions, running parallel to their religion, had set their sympathies on the side of the Power which for years had been locked in a sanguinary struggle with their country, now exulting



in the proud consciousness of youth and triumph, and still warm with the recollection of her wrongs ; so that to be a Churchman was of itself almost to be half a traitor. Thus the American Episcopalians had, besides every imaginable external object to surmount, every imaginable source of weakness within ; except, indeed, their one great but then disused and secret source of strength, in the radical soundness of their cause, and the promises of Christ on its behalf.

36. What was their course ? They obtained, at length (though not without much difficulty, and through the kind intervention at the outset, be it remarked, of our Scottish Bishops), their own Episcopate, and they established a regular government for their Church, in which all orders took their several shares. When they began, it is not too much to say of the vast majority among them, clergy as well as laity, they had all their own principles of polity to learn for themselves, and to work out into practical forms for others. If insubordination, if indifference, if ignorance, if the pride of purse, if heat of temper, if worldly minds intruding into the sanctuary, if self-love and egoism in all their shapes are to be apprehended here, which one among all these formidable foes was not, I ask, antecedently to experience, far more formidable there ? If with a clergy new to the work of government, with an Episcopate just struggling into existence, with a ritual and creed of necessity unfixed, this free and extended scheme of ecclesiastical government, by a mixed synod or convention, was the means at once of checking dissension and disorder, and of developing life and vigour in America, have we not less ground to dread the inconveniences, and more title to anticipate the benefits in Scotland, where our Synodical Government by the Clergy is already

organised and at work, where the Episcopate, strong in historical and personal as well as in spiritual claims, enjoys the unanimous veneration of our communion, where the standards of our ritual and creed are fixed and no question raised about them, and where we have nothing in the main to desire, but better, stronger, more efficient modes of practical administration and development "for the perfecting of the saints, for the work of the ministry, for the edifying of the body of Christ." \*

37. I shall now endeavour to sketch, with a light and sparing hand, and without any reference, direct or indirect, to any personal matter or particular case, some of the practical defects to be removed, or advantages to be gained (though the terms are of course correlative), by the invigoration of our Church government through the enlargement of its basis. And I shall, as in duty bound, confine myself to matters of polity and external organisation, regarding all questions as from beneath and from without, and with a layman's eye. I only promise, for the satisfaction not of my own conscience alone, but of the consciences of others, that of course the true end and aim of all these measures, unless they be but sounding brass and a tinkling cymbal, is the greater glory of God in the mystical Body of His Son, the gathering up of the souls of men from a troubled and an evil world, and rearing and moulding them into the likeness of that Head with whom they are vitally incorporated, until the day come for their translation to the place of their rest and peace.

38. I suppose the low tone of spiritual life to be the source of our prevailing evils. Yet I do not mean, that

the tone of personal religion is peculiarly low in our own body as compared with the rest of the community, but that it is sadly low as compared with the standard of doctrine, of duty, of grace and privilege, to which our Church calls us to conform and offers us the means of conforming. This spring of evil betrays itself in many outward shapes and tokens. And indeed I must confess it would seem that, whether individual piety among us will or will not bear comparison with the fruits of other systems, the spirit of corporate religion, the appreciation of Church polity as a channel and an engine of spiritual good, is, among our laity at any rate, or to speak plainly, among those of the more powerful and opulent classes, with exceptions but too easy to count up, lower than in other religious communions around us ; especially, perhaps, than in the Free Kirk of Scotland, which I must say has gained honour far beyond the bounds of this kingdom, or this isle—honour with Christendom at large, for energy and the spirit of self-sacrifice.

39. I must note, then, among the outward and material signs of this low tone of life, the mean provision generally made among us for the support of our Clergy, and especially our Bishops ; for the fabrics and furniture of our Churches ; and, lastly, for the instruction of the children of our poor, an object to which it is only within these latest years that any systematic efforts have been directed. I feel a strong conviction that every one of these blots would be removed, and that speedily, from our escutcheon, when a more intelligent and more active spirit of Church-membership should have been matured among us by the serious, regular, and authorised discharge of important functions appertaining to us as the laity of the Church.

40. But further. In a thoroughly well-constituted community, every man, unless it be his own fault, has a clear and vivid, and a tolerably accurate general knowledge of the duties, and of the rights, belonging to his position ; whether they be personal only, or whether they be official also. Now this knowledge is an indispensable preliminary, and a powerful help, to willing and prompt compliance with the first, and to confident, orderly, and temperate assertion of the last. I humbly submit it to your Reverence and your Right Reverend Brethren, as the result of my own observation within the Episcopal Communion of Scotland, and of the impressions I have derived from other and better-qualified observers, that among us law, method, and constituted order do not afford the aid which they might, and ought to afford to the individual, in any one of our ecclesiastical ranks, towards the knowledge of his duties or of his rights. Not, most certainly, among the laity, whose ill-defined position is our main source of weakness and of danger, the master evil which I fondly long to see mitigated or removed : not, I believe, among the Presbyters, nor even among the Bishops. I do not mean that there is widespread ignorance or gross confusion of ideas among us as to the general position and functions of the Holy Ministry, or as to the governing power in the Episcopate : but I do mean that we know of these things on paper rather than in practice ; that authority, which is fully admitted in theory, yet through disuse, becomes strange and repulsive, and even prompts misgiving and resistance ; that the machinery for applying our principles to executory details is very weak and very imperfect ; and that it cannot be made strong or complete without careful definitions of relative rights and duties, upon which definitions, by

means of law or canon, the clergy could not in prudence, and I am quite certain would not, enter, so long as they remain an isolated body in respect to their legislative powers; but which might very well proceed from the concurrent energies of all the orders of the Church, working according to regular and duly constituted form.

41. My complaint, then, of our present state, is by no means a complaint that the Bishops or the clergy possess too much power among us; although in theory they are absolute, because by their sole decisions in General Synod, over which we of the laity have not the smallest recognised control or influence of any description whatsoever, we are nevertheless finally and unconditionally bound. But this excess of central power in the clergy is inconveniently, rudely, and dangerously balanced by the dead weight of indifference and phlegm, and likewise by another excess of power in the laity; that, too, not in the laity as such, as communicants of the Church, but in those among them, who happen to exceed in the possession of worldly goods and the advantages of social position. The distribution of local power, as between clergyman and vestry, is the irregular, disorderly, and hazardous compensation for the absorption of central power in the clergy at large, as contra-distinguished from the laity at large. I do not say, then, that the exclusive prerogative of legislation in the clergy makes them too much our masters; far from it; but I say this: it exalts their power at the expense of their influence; it exalts the shadow at the expense of the substance; it exalts the name at the expense of the thing; it increases what they cannot use, and takes from them what they could.

42. It is by influence, and by influence only, that our clergy can be really powerful. By influence individuals

of a class will be powerful here and there, under any system, however cross and wry: but a class cannot uniformly present the qualities by which such individuals acquire weight: a class, as a class, can only have influence by virtue of something which belongs to it as a class, by virtue of office, or by virtue of discipline and good organisation. Now in order that our clergy may gain the power which it is desirable for the good of the whole body that they should possess, we seem to require an elasticity of system, and a freedom of play among its several parts, which is in entire contrast with our rather stark and rigid methods.

43. In like manner, I do not say that the power of vestries is always too great—perhaps it may not in all cases and points be great enough; but that it is a bad kind of power. It is a bad kind of power, because it brings the pastor and his flock into contact upon grounds far lower, to say the least, than those which properly belong to the holy and exalted relation between them. It is a bad kind of power, because it virtually determines who shall represent and speak for the flock at large by qualifications which belong to the kingdoms of this world, and not to the Kingdom of God. It is a bad kind of power, because it tends directly to the isolation of our several churches one from another, through the want of a common law, or principle, or collection of precedents, or controlling authority. If difficulty or dispute arises in the vestry itself, or with the clergyman, each local body has to find, I should say rather to burrow, its own way; to construe, and often to make, the law for itself.

44. The Bishop is the centre of unity, and his interference will tend to preserve it: but the limits of his power to interfere are by no means invariably clear: and

before he is appealed to, the humours may have grown too acute and angry to be allayed by him. When the law is at hand to aid men in self-guidance, we may fairly expect them to keep their heats within due bounds; but when there is a very great want of determinate rules for the settlement of questions likely to be differently viewed by different members of a congregation, or upon which the clergyman may lean one way and the flock another, there is no centripetal attraction to balance the centrifugal impetus; men having no guide before their eyes but their own will and inclinations, naturally follow them, and, mistaking vehemence of temper in themselves for weight and moment in the subject of the contention, they will rush on, and no wonder amidst such circumstances, aye even to schism, from which, by the existence of definite and intelligible rules, applicable to the management of the question in its beginnings, both they and the Church might have been saved.

45. So far, then, as relates to the power of the clergy, I say that for useful purposes, and as a power working through the medium of intelligent consent, it will be increased by the measure I presume to suggest; and while the legitimate sphere of recognised privilege, and of recognised duty along with it, will be enlarged for the laity, any opportunities for the abusive employment of the power of wealth over poverty will be diminished by the extension and consolidation of our representative system.

46. At the same time, the main object which presents itself to my view and desire is not in any sense that of strengthening one class and weakening another, in this sense or in that—not the shifting of the balance of power as between one portion of the body and another; but it is to have a strong Church instead of a weak one; a Church

with her principles developed in her organisation and daily life, instead of a Church in the state of a chrysalis, of a Church with her principles only existing potentially, and to be found chiefly in dusty folios on the shelves of her libraries; a Church governed by law and established in order, instead of one dependent mainly on sufferance and good feeling, which are excellent auxiliaries to well-defined and well-sustained authority, and no doubt the best substitutes for it where it is not to be had, but which no more afford an argument for declining to avail ourselves of its advantages, than my happening to have an umbrella in a storm of rain is a reason for determining to live day and night under it.

Distinct, however, from the question how is power distributed among the different classes in a body? is the inquiry, what is the power of the body as a whole over its members individually or in classes?

47. The exercise of discipline, as all are aware, was a note of the Apostolic Church in its infancy; and it seems hardly too much to say that, without such exercise, it would not have been Apostolic. The neglect and perversion of it were among the very chiefest causes of the Reformation, and an anxiety for its restoration was one of the most prominent, and also one of the most honourable, characteristics of that immense and not yet concluded movement. In Scotland it has never been absent from either the Episcopal or the Presbyterian communions; and the shameful state of it in the Church of England is both a grief and scandal to its zealous members, and a cause of painful astonishment to foreigners interested in its welfare: while it is indignantly alleged by pious Dissenters as a main, in many cases as the sole, cause for their separation.



48. The exercise of discipline may be considered as either over Bishops, over Presbyters and Deacons, or over laymen. The instruments may differ according as the person to be subjected to discipline belongs to one or another of these classes; but its administration must always be under the authority of the body. Now I venture to observe, that while a real and effective discipline is essential to the sanctity and spiritual glory of the Church, and while she would utterly betray her office as the Witness of the Gospel if she failed (when the facts are clear) to draw in practice those lines of severance between truth and falsehood, between right and wrong, which she incessantly professes to proclaim upon the authority of Christ, yet the delicacy of this function is no less clear than its importance, and the dangers of miscarriage are only less formidable than those arising from systematic disregard of the duty. Two things, then, appear to me essential to a good administration of Church discipline. The first is, that the laws themselves should be strongly based upon general consent; the second is, that the mode of their administration should be hedged in with the best securities against abuse: such as strict regularity, and, on every due occasion, publicity of procedure; weight in the tribunal adequate to the office it has to perform; adequate assistance from persons conversant with judicial principles and processes; ready recourse against tyranny; and suitable provisions for discouraging frivolous, vexatious, and impertinent charges.

49. For all this, a full and free Synodical Government is surely requisite in a Church like ours. Not that I would contemplate any visionary aims. My idea of discipline is simply this: first, vigorous enforcement of the whole system of their public duties upon the officers

of the Church, clerical and lay; and due provision, secondly, against the profanation of her ordinances by any persons, clerical or lay, whose overt and flagrant acts should prove them to be unworthy. But even for these moderate ends a strong arm is required; a stronger arm than authority is now in a condition to wield among us. That strength, unless I am grossly deceived, can from no possible source be obtained for our system, except from general and solemn consent, embodied in the form of law.

50. Furthermore, let us consider our present state, not with reference to the imperfect securities it affords against abuse of power, but with reference to the inadequate support it secures for a bishop when engaged in its legitimate exercise. In his dealings with a contumacious clergyman, he must proceed as he best can. He must construe the Church law for himself, in the face of an antagonist on the alert to detect his accidental slips, and perhaps supported by a knot of persons vigilantly hostile to his authority. Having no prescribed forms to follow, whatever course he takes may be imputed at every step to his arbitrary disposition, and each item of his procedure enveloped in a separate cloud of debate, of suspicion, and of passion. Now, a Bishop cannot *ex officio* have the legal mind. It is not desirable that he always should. The aid of his Synod cannot be certainly relied on to supply the deficiency. But as the intervention of the legal mind is, in the long run, absolutely essential to distributive justice, we ought to have provisions for securing to our Bishops such aid of this kind as might according to circumstances be requisite. The law should likewise assist them by defining more carefully and largely their course of procedure, and thus at once strengthen their hands, lighten their responsibility, diminish the temptation they

must now often feel to flinch from their duty on account of those difficulties and uncertainties attending its performance, which they are called upon to encounter virtually single-handed, and insure to them more uniformly, and in more active and lively forms, that sympathising support from the members of their communion generally, which the public and authoritative acts of our Spiritual Fathers ought obviously to receive.

51. And it should be observed that in this point the need of the Episcopal Communion in Scotland is really much more urgent than that of the English Church, so far as regards ordinary judicial purposes; because the Church of England has a code of ecclesiastical law partly general, partly proper to herself, together with a body of lawyers competently instructed, and Courts which are conducted according to recognised judicial principles. Whatever be the defects of these laws or Courts—whatever dangers to the very life of the Church the present unprecedented and base-born, but really fortuitous, provision for appeals may entail, yet as to ordinary causes in their ordinary course through the diocesan and provincial courts, the judicial system in England is, on the one hand, a security to the public and to individuals that the main principles of justice shall not be contravened, and on the other it affords a living and very effective assistance to the authority of the Bishop. It has this further advantage, that it tends to divest a Bishop's efforts for maintaining discipline of the character of personal contention, which they are otherwise so likely to assume.

52. In these points, the Scottish Episcopal Communion offers nothing but a blank. In judicial matters the authority of the Bishop stands almost naked and solitary. It is neither protected against assault, nor limited and

hedged in by publicity and adequate forms; and such an authority, wisely and mildly as we know that it is exercised, cannot secure, as of course, that easy, familiar, and settled confidence, which it is to be desired it should enjoy.

53. The settlement of contested questions between man and man, or between private persons and public authority, in which all the forces of individual interest and passion are aroused and enlisted to defeat or baffle justice, is a great difficulty even with the civil power, which has coercive sanctions at its disposal. Much more, then, for a religious society: and where such a society is organised like ours, with a liberal regard to the principles of human freedom, I believe but two alternatives are offered; one of them, a strong judicial system, calling to its aid the general opinion and sense of the body; the other a weak one, divested of that aid, dealing with some few questions fearfully, and with many not at all. When we turn to our Book of Canons, well and wisely as it has been drawn with reference to the circumstances of a Church just raising her head from a crushing proscription, and still *parva metu primo*; and when we find our whole judicial system comprised in two canons only, occupying as many pages; when we read those canons, and observe what, and for what cases, they provide, and begin to consider with ourselves even a small fraction of that for which they make no provision whatever,—we seem to see that they were meant for a state of things which has fairly been outgrown, and we are reminded that the simple legislation of the nursery must be enlarged and invigorated when manhood is coming into view.

54. I shall now touch lightly on that much-vexed question of ritual, which has, as I believe, on account of

the immediate and palpable appeal it makes in all its forms to the general mind, and yet more to the general eye, afforded the chief material for the present lamentable heats and controversies in England; and which, although it has not had here the same formidable operation, yet does not stand altogether well among us, inasmuch as we too want due and adequate means for determining how the numerous points of detail belonging to Divine service—in which one congregation may lawfully and innocently differ from another—are to be settled as they arise in each case.

55. I shall venture two remarks upon ritual changes generally, in which I am bold enough to anticipate extensive agreement. The first is, that as ceremonial is but the dress of devotion, it ought to follow upon rather than to precede spiritual growth, of which it must be the consequence before it can become the cause; and, except as to the removal of palpable indecency and scandal, it should be left for its increase to such spontaneous demand as may arise out of our gradual return to that temper of elevated and concentrated devotion, which has unhappily become rare among us. The second is, that many of the points, which have given rise to dissension, are in themselves really but secondary, and have derived their importance from prepossessions conventionally rather than essentially connected with them. Now both of these remarks point to one and the same conclusion; namely, that diversities and changes of ritual, so far as they are properly open questions at all, are a matter to which the people ought to have something to say. If ceremonial be in general not so much a means of awakening as an instrument of edification for those already awakened, then the expediency of ritual restorations must, it is evident,

vary greatly with the religious temper of each congregation. If, again, its details are as it were prejudged by prepossessions for or against them, then manifestly there is a tender and irritable state of mind to deal with, which will become hopeless under anything like an exasperating treatment.

56. The way to conquer men's prejudices is to appeal freely to their good sense, and allow some reasonable scope to their free will and choice. Such appeal involves, or at the very least harmonises with, the idea of giving them a share of discretion in determining the points at issue. Nothing can be more painful or disgraceful than to see questions of divine service settled, as they were some years ago settled in Exeter, by riot and uproar. Such modes of proceeding are fitter for Turkey than for England. But we probably never should have witnessed them, had it not been for the anarchical state into which congregational organisation has there been allowed to lapse. Besides the things in themselves, nay, besides the prejudices attaching to them, there was, I believe, at the root of all, a sentiment in the people that they were over-ridden, which generated, as it were in self-defence, a strong and unmanageable reaction. Had there been in those cases a regularly constituted congregation, or to borrow a phrase from our Presbyterian friends, a roll of communicants, and had these had the means of making known their sentiments, and of acting by their duly chosen officers, the clergy would have derived from them the most valuable aid at the outset, instead of being left to work out their way as it were blindfold; a general harmony would have been secured between the forms of divine service and the tone of feeling in the congregations, to which, as we have seen, they ought to bear a

close regard; and authority, too weak already, would have been spared some heavy blows.

57. It would be transgressing my proper sphere were I, in touching on this question, to point out particulars which might advantageously be left to vary with the will of each pastor and congregation, or in which usage of a certain duration should be held to give a title as against written laws until the pastor and the congregation jointly were prepared and desirous to reform it. I assume of course all along, that the leading principles and usages of the ritual will remain fixed, as at present, by canon; and that the Episcopal authority will still hold its place above merely local discretion. My suggestion is, that over and above all this the clergy may most advantageously take counsel with their people, as members of a Christian Church, according to the principles of a sound ecclesiastical constitution, on matters like these; and that such counsel, and its results, will be found an admirable specific for the practical solution of the question, when it arises, between custom and written law, or between allowable varieties of taste and predilection, subject always to the general principle of uniformity within the limits determined by our Church law.

58. Thankful for that wholesome stir of life and progress which marks the present condition of our communion, and anxious for the regular development of measures by which, under God, it may from a weak Church become a strong one, and deepen its foundation as it extends its borders; I have now, Right Reverend Father, submitted in a general form some of the considerations which have led me to the belief that, if it be the Divine will that your Reverence should as our Primus inaugurate among us a representative system, and if, with the other Right

Reverend Fathers of our Church, you call upon your lay flocks to communicate and advise freely with you, and to strengthen your hands for the work of the ministry, then your name and the names of your brethren will be remembered among us in connection with a noble epoch of restoration and revival, a great ingathering and edification of Christian souls.

59. But I have yet a few words to say upon two points. First, how are we to prevent liberty from deviating into licence? Do I propose to place the government of the Church on such a footing, that the main seat of power shall really be in its popular branch? If lay privileges and powers have fallen into desuetude, must it not be dangerous to place weapons so keen and trenchant in the hands of raw recruits?

And, secondly, is this the time for the Scottish Episcopal Communion to stand forth as the *prærogativa tribus* of what may be called the Anglican Churches to act for herself, and by acting to teach others how to act; or should she modestly wait upon their steps, and follow in their line?

60. As to the first, it will be remembered that we live in a season of peril, when the rose of safety can only be plucked from amid the thorns of danger. We need not go far to perceive by example the sad consequences of a cowardly and narrow-minded policy, which takes this for its maxim, to give as little as possible, and has this for its reward, that for what it gives (and in time it is forced to give all) it gets neither thanks nor compensation in return; a policy which when pursued by the strong is ungenerous, when aped by the weak is mad. But while I presume to hold this language, I admit freely that it is only capable of a general application, and that, if it were



to supersede care and caution in detail, we should only have cured one set of mischiefs with another. I am far indeed, then, from proposing that the Church should be democratically organised. Nay, in my view, it cannot be so organised; for whatever man may choose to ordain or adjust about chambers and branches and the like, must of necessity be for ever and wholly subordinate to the unchangeable conditions of her Divine Charter.

61. I will therefore, Right Reverend Bishop, state in few and simple words what I humbly believe would be found at once a free, a vigorous, and a safe form of constitutional organ for the Scottish Episcopal Communion.

First. That the Synod or Assembly for Legislation should consist of three houses or chambers—the first that of the Bishops, the second that of their clergy, the third that of the laity. It might deserve consideration, whether the second and third of these, of course voting separately, should, either permanently or for a time, sit and deliberate together on certain or on all occasions.

Secondly. That the lay representative system should be based exclusively upon an ecclesiastical qualification, and not upon a pecuniary franchise in any form: in other words, that communicants only should be either eligible or electors. But, I may add, it may be found necessary first to limit this privilege somewhat further, (1) by age, and (2) by requiring persons to have been communicants for a certain space of time antecedent to its exercise, in order to exclude all electioneering practices from the precincts of the Church. And further, a different rule might still be required for the settlement of questions of temporal or proprietary right in particular congregations, and for the protection of all vested interests.

Thirdly. That the mode of procedure should not be to

constitute arbitrarily, so to speak, a central organisation before providing local institutions fitted to give it a broad and solid groundwork, but to take the local institutions first. That is to say, to begin by inviting the clergy of the various incumbencies, in conjunction with the principal members of their congregations, to frame, where such a thing does not exist already, lists of such persons of given age as have been communicants for a certain time; to make provisional arrangements for the preservation and due correction of such lists; and to move those on each list to choose from among themselves delegates for a Diocesan Synod should the ordinary think fit to hold one, and should it be deemed wise to obtain the sense of the Diocesan Synods thus constituted as consultative assemblies only, on the intended measure, before its taking effect. Or otherwise, to give their suffrages directly, in common with the communicants of every other congregation thinking fit to act on the said invitation, for duly qualified persons to represent them in any General Synod of the Church.

62. The body issuing, or giving power to issue, the invitation, and thus setting the new machinery in motion, must, I presume, be the General Synod according to its present constitution; which, if summoned by the wisdom of your Reverences the Bishops for such a purpose, it might probably be thought fit to summon for that purpose (with its cognate particulars and executory provisions) alone.

Thus, then, the mechanism proposed would be self-acting. Congregations desirous of such franchises, and prepared for the discharge of the duties they entail, would act upon the invitation. Congregations not prepared for these things, if any such there were, would not be dam-

nified, since they would be no more subject to the General Synod as newly organised, than they now are to the General Synods composed of clerical members only.

63. Fourthly and lastly. As the governing power over the Church resides most properly and strictly in the Bishops, and as they are supremely responsible in particular for the decision of doctrine, I cannot but express the strongest conviction, that the initiative of all legislation should rest with them absolutely and exclusively; and that it should be competent to either of the other chambers to approach them spontaneously in the way of petition only. Their *veto* would, of course, remain complete; and between these two powers duly carried through the whole scheme, I hope adequate provision would have been made for preventing any collision between such a constitution and the great and immovable principles of our ecclesiastical polity.

64. To these provisions on behalf of order and authority, I may append a remark touching an apprehension that proceeds from an opposite quarter. It is feared by some that the laity would not act, so that their synodical functions would remain a dead letter.

I do not doubt, that our Right Reverend Fathers must reckon upon finding a certain amount of apathy in a mixed body, which has been long unaccustomed to public duties. Still, I venture to think this would not be so widely spread, as not to leave accessible and available a great mass of zealous and intelligent co-operation. This complaint of inertness on the part of the laity when the burden and heat of duty has to be borne, is made, and justly made, in England; yet cannot it be said that any important plan has fallen to the ground through such inertness. Some evade their duties, but some also perform

them: and even though attendance might, not certainly but possibly, at first be slack, yet this evil would diminish with the lapse of time, as the representative system should take root among us, and enter, gradually and gently, into our ecclesiastical habits and ideas. In America, where the demand and pressure of material pursuits is even more absorbing than with us, it is not found to prevent the laity of the Church from taking an active part in its general concerns.

65. And now, finally, should the Scottish Episcopal Communion, in the person of its Bishops, proceed to deliberate forthwith on this weighty subject, or should they wait to be led by other Churches of the Anglican origin or communion? Where, by other Churches, we must mean those of the colonies; for the Church in the United States has led the way already; and the Church of England, as well as that of Ireland, can only move slowly in a matter which, for them, is beset with real as well as with factitious difficulties. But the colonial Churches of British North America, and of the Australasian colonies, have already so far got in advance of the Scots Episcopal Communion, that they have largely declared, in their several orders, their anxiety for a regular ecclesiastical constitution, including the lay element.

66. Yet, Right Reverend Sir, after a long and anxious observation of the condition of these Churches, I venture unhesitatingly to assert, that it is not for you to be their debtors or followers in such a matter, but for them to be yours; and that, had they possessed anything like the facilities and means of action that happily belong to you, they would not now have been expressing their desires, but exhibiting finished results.

The vantage ground, as I understand it, which your

Reverences possess, and which is wanting to the colonial Churches, is twofold. First, an entire freedom from the fetters and entanglements of the law : secondly, a defined ecclesiastical "platform," and a legislative power in actual existence, with a clear, unquestioned title.

67. But how different is the condition of the Churches in the Colonies ! It is scarcely too much to say that, while for the purposes of internal subordination they are without law or legal sanctions of any kind, they are subject, without mitigation, to the worst of its inconveniences. On every side they are involved in the meshes of the net of legal doubt. There is a doubt whether, if their members meet in Synod, they are subject to penalty ; a doubt whether they can pass any Canon ; a doubt whether they can set up even phantom officers in ecclesiastical courts ; a doubt whether they can come to any binding voluntary agreement whatever among themselves. Of one thing only there is no doubt, that they are practically without the means, either of protecting innocence against oppression, or of punishing wrong, or of fulfilling for themselves any of the purposes of Church government. Nor, as I believe, can they, without an Act of the Imperial Parliament, be relieved from these very cruel disabilities, or attain to that footing of equality with the Presbyterian and Dissenting denominations in the Colonies, to which they fondly and ardently aspire.

None of these most formidable impediments to organic measures exist for the Scottish Episcopal Communion.

68. But suppose the colonial Churches emancipated, how are they to proceed to act ? They have no existing framework of a legislative organ ; they have not even the pattern of an English Convocation to work by ; for they have no deans, no chapters, in some dioceses no arch-

deacons, in many no parishes. They have under God two constitutive elements only, the Apostolical power in the Episcopate, and their own good principle and good sense. That, by virtue of the great gifts of the covenant of Christ, they will work their way to an adequate organisation, what they have already done, in a state almost chaotic, affords us ample assurance. Yet at the same time we must admit that they will have to begin by digging the foundations, and then laying, with elaborate care, every stone of the building. For the Scottish Episcopal Communion, again, I say, these difficulties do not exist. We have foundations already, and building too. It rests, beyond all question, with your Reverences of the Episcopal College to devise a plan in your wisdom, to bring it before a general clerical Synod by your prerogative, and, with the assent of that Synod, to tender it as a graceful and spontaneous boon to the laity of your communion.

69. It is plain that we who now live must not look for days of ease and calm, even of such ease and calm as have at certain periods been permitted to the Church, being, as she must ever be, a wayfarer and a pilgrim upon earth. We must never think to say—

“*Suave micant fluctus, ac detumuerè procellæ.*”

But while making this confession, I, for one, am fondly perhaps, but yet firmly, assured, that, on the day when our Bishops shall be bold to show their confidence in their own position, and in the vital energies of their Church, by propounding a measure which must tend, first searchingly to test, and then powerfully to invigorate and multiply those vital energies, they will strengthen many a weak hand, confirm many a feeble knee, chase away the gloom from many a desponding heart, breathe the new

life of hope into spirits that have flagged under accumulating misfortune, stir up many a voice of joy and health and thankfulness to God from the dwellings of the righteous, and quicken the footsteps of them that tread, or that ask, the way to Zion, with their faces thitherward.

70. In thus submitting to your Reverence my thoughts upon a deeply interesting and momentous question, I do not for an instant presume that I shall convey to your Reverence, or your Right Reverend Brethren, any view of this subject either new or serviceable to such a body; but I have written with the desire and hope, that I might be made the instrument of stirring up the minds of others, my brethren in the Church, to a careful and practical consideration of the actual position of our Communion; of its dangers, its duties, the genial promise which it gives, and the means required to enable it duly to fill its rapidly expanding sphere.

I remain, Right Reverend Father,

With cordial and dutiful respect,

Your obedient and faithful servant,

W. E. GLADSTONE.

*Fasque, Kincardineshire, Dec. 1851.*

## II.

### THE BILL FOR DIVORCE.-

1857.

1. **THE** age in which we live claims, and in some respects deserves, the praise of being active, prudent, and practical: active in the endeavour to detect evils, prudent in being content with limited remedies, and practical in choosing them according to effectiveness rather than to the canons of ideology. But if an eulogist, contemplating the course of events from one point of view, may hold this language without fear of confutation, a censor may, from his opposite standing-ground, launch his rebukes with equal confidence and equal justice. He may urge that we are, at least in the sphere of public affairs, restless, violent, and feeble: restless, in our impatience of evils which belong to our human state, and in attempting the removal of which we can hope nothing better than to exchange them for others far more grievous; violent, in laying irreverent hands upon good laws and institutions on account of some imperfection which attaches to them, or it may be only to our use of them; lastly, and most of all, feeble in our partial and narrow modes of handling emergencies, our inability to solve problems with which other times and men have not feared to grapple. Nay, he may accuse us of incapacity even to measure the scope of our own arguments; or to learn, at the very time when

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\* Reprinted from the *Quarterly Review* for July 1857.



we are setting forth under their guidance, how far they are likely to lead us, and on what kind of ground they will permit or enable us to rest.

2. In general it may be said that the censor and the eulogist of the age are not, when thus speaking each for himself, absolutely in conflict. They find respectively their subject-matter in different fields of legislation. Where the work to be done is mechanical and external, the eulogist may be justified. Where it touches the more inward and subtle forces which operate upon the relations of man, the censor is in the right. Appreciating complaints by their loudness, and remedies by the hardihood of the promises their projectors offer; choosing subjects according to the immediate profit or popularity they will yield, and not for real urgency; thinking more of the present than the past, and of the future less than either; we forswear the qualities, and invert the habits of mind, necessary for an occupation where men should dig deep, for their foundations, and learn to be content with slow, and for a long time perhaps invisible, results.

3. Thus it is, in such a temper and with such prospects, that we appear to be dealing with the greatest, oldest, and most universal of all social institutions, the great institution of marriage. An active agitation has for some twenty years been carried on against the Table of prohibited Degrees, or, in other words, the law of incest; for this it is that is really in question. In regard to this subject our law was settled with admirable wisdom at the Reformation, upon the basis of the scriptural prohibitions; and, until within the time we have named, these just restraints appear to have been in harmony with the entire public opinion of the country; although, as is well known, there were cases, and there still are cases, some of them

much worse than that of the wife's sister, where prohibited marriages are contracted *de facto*. Indeed, we must do our forefathers of the last century the justice to say, that their only general legislation upon marriage was conceived in the intention not of impairing, but of restoring and heightening the fences which inclose the sacred precinct. We speak not of the enactments respecting Royal Marriages in the twelfth year of George III. (on which has been laid the blame rather due to the policy pursued under them), but of the general provisions of the Act 26 Geo. II. c. 33, which were directed to the prevention of marriages either clandestine, or between persons judged to be incompetent by age. At that period these evils must have attained, at least in the great towns, to an alarming height; for it is stated that at St. Ann's, the church of one of the most populous parishes in London, the marriages were but fifty in a year, while those irregularly and clandestinely made at "Keith's" were six thousand.\*

4. It seems to be a sign of the general decay of the spirit of traditionary discipline in our own day, that so determined an assault should have been made upon a part of the Levitical Prohibitions, now forming the basis of our ecclesiastical law. It has, indeed, been repelled, up to this time, by an equally determined resistance. We presume, however, that the assailants are now only lying in wait to see the issue of the yet more formidable attack on the indissolubility of the contract, in the hope of obtaining, through its success, a vantage ground from which their operations will acquire resistless force.†

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\* *Gentleman's Magazine*, vol. xxiii. p. 400.

† [At the date of these observations, the proposal had commonly been to alter the ecclesiastical law, as above stated, by vote of

5. This greater movement is not, as far as appears, due to any general dissatisfaction with the state of the law of divorce in England. That law is, indeed, beset by a double anomaly. First, by the existence of a very different law in Scotland; which, at the Reformation, if not before it, deviated from the general rule of Western Christendom. Hence arose an inconvenient conflict of jurisdiction between English and Scottish Courts, of which the results may be read in a former number of this Journal.\* Secondly, the unsatisfactory course of proceeding on the part of the legislature, which for nearly two centuries has, from time to time, granted the ill-starred boon of divorce *a vinculo* in certain cases where there was wealth enough to undergo the heavy charge necessary both for the preliminary suits and for a private Act of Parliament. But the passing of from one to half a dozen divorce bills *per annum*, and the occasional occurrence of a practical solecism through the variance of Scotch law from our own, did not practically affect the state either of facts or of feelings for the mass of the community in England and Ireland, with their two hundred thousand marriages a year.

6. It was not the law of marriage which brought itself into danger, but rather it was the feeling entertained, whether justly or unjustly, about the Court, by which that law was administered. The disposal of a large part of the testamentary business of the country under episcopal authority was a clear anomaly; and what was much more, it was one of those anomalies which most powerful

Parliament. More recently it has been to permit only the civil marriage with the sister of a deceased wife. This concession I have long supported.—W. E. G., 1878.]  
*Quarterly Review*, vol. xxv. p. 229.

bodies of men were interested in attacking, while only a feeble one was arrayed in its defence. Attention readily passed from the Court to the law in its different branches; and when once that branch of it, which dealt with the contract of marriage as a life-long engagement, was brought under criticism, its existence could not long remain undisturbed: it was too Spartan and severe for the relaxed tone of modern society; and the other principal Protestant countries had long ago set us the example of its surrender. A Commission was accordingly appointed to inquire into the law of Marriage; and, in the year 1853, this Commission reported in favour of a change in the law which should embody the principle of divorce *a vinculo* for adultery. Lord Redesdale, one of the Commissioners, dissented, and manfully took his stand on the total prohibition of divorce as the true doctrine of Scripture.

7. We wish it were in our power either to pass by the proceedings and the Report of the Commission in total silence, or to speak of it with the respect personally due to those who signed that most ill-omened document. With trivial exceptions, they took no original evidence. They did not examine a single divine. They have not touched the question of the Scripture prohibition; except by a brief reference, in a note, to the opinion, forsooth, of Beza. They have not only not sounded the depths of this great subject, but they can scarcely be said even to have attempted an investigation of its social, much less its religious, aspects. Inconsistent in its several parts, slovenly and inaccurate in its references, the Report seems to have been the work of men who decided before they discussed, and who simply felt it necessary to introduce their recommendations with some yards of preface.

8. Since that time, various Bills have been brought into

Parliament to give effect to these proposals; but in all Sessions previous to the present one they have broken down, either from the pressure of other public business, or from the quarrels of the various families of lawyers over the contemplated spoil. Meantime, as it is the fashion of the country never to consider a question of this kind until the last moment but one before it is irrevocably decided, not only has little or no attention been paid by the public to the menaced innovation, but even from the clergy, who have a special as well as a very deep interest in the matter, it has as yet attracted no general notice. The pamphlet by Mr. Keble, named first at the head of this article, led the way, we believe, in sounding the alarm. It has been followed by others, among which we must highly commend the careful and closely reasoned pages of 'Considerations by a Barrister';\* and the speech of Baron Von Gerlach,† which should ring like a knell in the ears of England.

9. And the hour for "Considerations" is indeed come. A Bill introduced by Her Majesty's Government has even when we write passed the House of Lords, and may, perhaps, before these pages can appear, have made no inconsiderable progress in the Commons. It has been resolutely opposed by a portion of the Bishops. The law lords, except Lord Wensleydale, are in its favour. Its principle has been affirmed by large majorities; and though it has been battered by formidable amendments, yet the promoters have in all cases either kept their ground or regained it. The Archbishop of Canterbury, in the Committee on the Bill, carried words which restrained all

\* London, 1857.

† With a Preface by Mr. Henry Drummond. London, 1857.

guilty persons from re-marriage after divorce; but they were thrown out at a subsequent stage. A like fate befell that part of the amendment of the Bishop of Oxford, which made the guilty parties punishable by imprisonment as well as fine.

10. The parts of the measure material to our inquiry may, as it now stands, be described as follows. It transfers to a secular court the entire cognisance of matrimonial causes. It retains the judicial separation, or what is now called the ecclesiastical divorce *a mensâ et thoro*. It allows the marriage to be dissolved, as against the wife, for adultery *simpliciter*; as against the husband for incestuous adultery, or bigamy, or adultery with cruelty, or adultery with desertion during two years. The suit is to fail in case of connivance, or of condonation, or of the establishment of the counter-charge. The adulterous woman is, as a general rule, to be made a co-respondent; and the adulterous man may be punished by fine. Liberty to re-marry is expressly given, "as if the prior marriage had been dissolved by death."\* There are other accessory and directory provisions; and of the former, some, which are apart from the main purpose of the Bill, seem to be humanely and judiciously constructed for the protection of married women in certain cases.

11. We shall pass lightly by many points of interest in the discussion. Among these is the evident tendency of a Bill which establishes a Central Court of Divorce on the ground that the old method of proceeding is accessible only to the very rich, to produce by necessary consequence further extensions of the jurisdiction to a number of local courts, in order to provide for the equal rights of the

\* Clause 49.

poor, who cannot resort to a metropolitan court. I omit, too, the strange anomaly created by the well-meant effort to force adultery into the category of quasi-criminal offences; for, as the Bill stands, when one only of a married couple is guilty of adultery punishment may ensue, but when both have been guilty the suit drops, and no penalty can be inflicted on either the one or the other. Never surely was there before an application, either so practical or so ludicrous, of the principle that two negatives make an affirmative!

12. The question opened before us is as old, and as wide, as the history of revealed religion, and of civilised man. We can neither pretend to exhaust nor even to skim it; but we shall endeavour to present some portions (I.) of the argument from Holy Scripture, and (II.) of the history of the question of Divorce. We shall also (III.) hazard a few suggestions with regard to the question of policy which the measure involves, and to the particular structure of the present Bill.

13. (I.) It is somewhat provoking, in a case where weighty and large interests are involved, to see the earnest labours of the greatest minds passed by, and their doubts and misgivings contemptuously brushed away, by the hasty foot of modern sciolism. Lord Chief Justice Campbell is reported to have denounced, as no better than quibbling, any argument in contravention of his position that the Scripture allows divorce and re-marriage upon adultery; and the Postmaster-General is said to have observed, that, though in a difficult question we might do well to invoke theological aid, yet the sense of the Divine Word is here so absolutely plain as to make it wholly superfluous.\* Against

these great luminaries from beyond the Tweed, we shall venture to oppose two of a brilliancy not short of theirs. The first is Selden, who closes a disquisition on one vital portion of the subject, the meaning of the cardinal word in St. Matthew (v. 32), by the words *nihil hic definimus; consideranda tamen proponimus*.\* The second is St. Augustine. He, more tolerant than our modern worthies, says that Scripture is so obscure upon the point whether a husband, being a catechumen only, who has rightfully dismissed an adulterous wife, married in heathenism, may re-marry without the guilt of adultery, that (while he himself denied the existence of any such liberty) in his judgment any one may go wrong in the interpretation of the sacred text upon this particular with small blame.†

14. Under cover of these apologies, we proceed to remark, in the first place, that no trifling part of the difficulty of this inquiry arises from the uncertain and varied uses of the terms employed in it. The principal word of all, divorce, is used in three chief senses, all different, and two of them contradictory to one another. For it means (1) separation of a married pair without any right of re-marriage, (2) the like separation with that right, and (3) the declaratory sentence, pronouncing a marriage to be void *ab initio*—that is, never to have existed in law. Paley gives the word a sense different from any of these, and understands by divorce “the dissolution of the marriage contract by the act, and at the will, of the husband.”‡ Against these ambiguities we must be on our guard. There is also some dispute upon the meaning of the Greek words ἀπολύειν, ἀφιέναι, χωρίζεσθαι.

\* Uxor Hebraica, iii. 27.

† S. Aug. de Fide et Opp. c. 35.

‡ Mor. Phil. b. iii. p. iii. c. 7.



But the most serious difficulty is that which arises out of the use of the word *πορνεία* (rendered in the English Bible *fornication*) in the Sermon on the Mount.

15. Now the questions to which we seek a reply are these: Whether the marriage contract between Christians can be dissolved so as to permit either or both parties to marry again consistently with the word of God? And if so, then for what causes such a dissolution may take place?

And we will begin by constructing in good faith the argument from Holy Scripture, as we conceive it may best be stated on behalf of the Bill.

16. In two places of St. Matthew's Gospel, our Lord adverts to the subject of marriage and divorce, and contrasts either the Mosaic system or the prevailing practice of the time with that which He was about to establish. The first allusion is spontaneous, in the Sermon on the Mount. The second is drawn from Him by the invidious question of the Pharisees. In the first he says—

“I say unto you, that whosoever shall put away (*ἀπολύσῃ*) his wife, saving for the cause of fornication (*παρέκτος λόγου πορνείας*), causeth her to commit adultery; and whosoever shall marry her that is divorced (*ὅς ἐὰν ἀπολελυμένην γαμήσῃ*) committeth adultery.”\*

In the second passage the words are as follows:—

“Moses, because of the hardness of your hearts, suffered you to put away your wives; but from the beginning it was not so.

“And I say unto you, whosoever shall put away (*ἀπολύσῃ*) his wife, except it be for fornication (*εἰ μὴ ἐπὶ πορνείᾳ*, according to the reading followed in our translation), and shall marry another, committeth adultery, and whoso marrieth her which is put away (*ὃς ἀπολελυμένην γαμήσας*) doth commit adultery.”†

\* Matt. v. 32.

† Matt. xix. 8, 9.

17. As our Lord puts His own precept in contrast with a system which had become one of unlimited licence, the general scope of this discourse does not require us to construe it of the extinction, but only of the limitation of divorce. Accordingly, while laying it down as a general rule, firstly, that divorce is sinful, and secondly, that the re-marriage of a divorced person involves the sin of adultery, our Saviour makes an apparent exception to the first precept, expressed by our translation in the words "saving for the cause of fornication." Thus far the ground is firm; but now follow a slippery series of assumptions, where difficulty rises upon difficulty, like Alp on Alp.

18. *a.* It is assumed, that the clause of exception, which in both cases is found in the first member of the passage, runs through and governs the whole of it, so that, wherever putting away is authorised, re-marriage is also permitted.

*b.* It is assumed that the word translated "fornication" means adultery.

*c.* It is assumed that the last member of each of the two passages refers not to all women put away by their husbands, but only to certain women, *i.e.* those put away otherwise than for adultery.

*d.* It is assumed that the whole, or some part, of the liberty of putting away for adultery, and of re-marriage thereupon, thus given to the husband, may likewise be claimed for the wife.

*e.* It is assumed that the statement of St. Matthew, as being more full, ought to import the exception into the Gospels of St. Mark and St. Luke, both of whom render the prohibition of re-marriage absolutely; and into the argument of St. Paul, who tells the Romans\* simply that

\* Rom. vii. 1-3.

marriage is for life, and that a woman re-marrying during the joint lives is an adulteress; and who tells the Corinthians\* that a man must not dismiss his wife, and a woman must not leave her husband; but that, if she does leave him, she must remain unmarried.

f. After all these passages of Scripture have been thus distended, by forcing into them the exception fetched from St. Matthew, that exception is itself by some persons put under a similar process, to introduce the case of desertion as a second justifying cause for divorce and re-marriage. And inasmuch as St. Paul has declared that a Christian husband or wife married to an unbeliever is to suffer the unbelieving yokemate to depart if so minded, it is assumed that this constitutes a licence among married Christians for a husband or a wife when deserted to obtain a divorce *a vinculo* and to re-marry.

19. Such is the "Scripture argument" for divorce. And, with the exception of the case of desertion, which is not included in the present proposal, such is the Scripture argument for the Bill. And in these circumstances it is, that any one, who feels somewhat choked by this gigantic mass of assumptions, is told by a Chief Justice that he is quibbling; and that any one, whose back groans under the burden of them is comforted by a Postmaster-General with the assurance that he requires no help at all.

The amount of licence in the interpretation of Scripture which is involved in the first five propositions above stated is absolutely indispensable, in order to sustain the Christian character of the Divorce Bill. Yet, on the face of them, they are such as when simply brought together

must startle, so at least we think, the understanding and the conscience of those who have supported this Bill under the strange, but we believe actually prevalent, idea that they are bringing back our law to the standard of the Divine Word. When the case has been further stated with regard to them, we think it will appear that they are such as go far towards that most wretched consummation, which reduces all exegesis to a profane and deluding art; with no other business than to frame contrivances, under which we may hug the supposition that we are obeying God, when in truth we are denying His laws.

20. It will be observed that the whole force of the so-called Scripture argument for divorcees with re-marriage rests, first, upon an assumed sense of St. Matthew; next, an assumed opposition between St. Matthew and other parts of Scripture; then, an accommodation in each case of the narrower and straighter to the more relaxed declaration; and lastly, a further accommodation of the relaxed declaration itself to the notions with which we have predetermined that it shall square. St. Matthew, let us suppose, gives divorce for adultery. St. Mark, St. Luke, St. Paul, where they are narrower, must yield to St. Matthew, who is wider; St. Matthew must then be widened to admit St. Paul on another point; and then, by a great and last effort, the whole of them, seeing that they do not contain one word on behalf of re-marriage, must be carried forward to this necessary point by the assumption that power to put away includes power to choose anew, and that liberty to suffer desertion without following the deserter includes liberty to bring in some one to supply his place.

21. Accustomed as we are, personally and by tradition, to conceive of the sacred writings only as collected into

a whole, we have need, in order to arrive at right conditions of judgment for the question before us, to go back to the period when they were respectively composed. It is not difficult, when in one part of a volume we find a doctrine laid down without exception, to bear in mind another part of the same volume where an exception is specified, and to construe the separate passages as one by making the more general submit to the more detailed. But the case assumes a very different aspect when we bear in mind that the three Gospels now in question are proved, from internal evidence, to have been written separately for different descriptions of persons, and that those who were acquainted with the one remained, in all likelihood for no inconsiderable time, unacquainted with the others. St. Matthew\* wrote for the Jewish Christians, and probably in Hebrew†; St. Mark probably for the Gentiles at Rome, or, as some think, for the converts from among the foreign Jews or Hellenists; St. Luke for the Gentiles, and probably for those of Greece.

22. We have no title to say that these Evangelists were respectively acquainted with each other's works. And it would indeed be strange, were it true, that the doctrine of divorce should be so positively delivered by each of them, and yet in terms which were irreconcilable.‡ For what was the condition, previously to the formation of

Bishop Tomline's 'Elements,' part ii. chaps. ii. iii. iv.; Davies Morgan, 'Doctrine,' &c., vol. ii. 102.

† [The opinion formerly current that St. Matthew wrote in Hebrew is now, I presume, widely discredited: but not so the belief that he writes with a view specially to his Jewish countrymen. See Archbishop Thomson's 'Introduction to the Gospels,' sections 17-25.—W. E. G., 1878.]

‡ Considerations, p. 12.

the Canon, of those who had only the Gospel of St. Mark or St. Luke, or even of those who, while acquainted with both these Gentile Gospels, knew nothing of the Hebrew Gospel of the Jews? We are, of course, open to the reply that a difference is undeniable between the language of St. Matthew on the one hand, and that of St. Mark and St. Luke on the other. But the question is, what is the nature of that difference? Is it a difference which affects universally the structure of the Christian law of marriage, as the adversary contends? If so, it is strange and painfully difficult to account for. Or is it, on the other hand, a difference not affecting the Christian law of marriage at all, but having reference to circumstances that do not touch the validity of the contract, or that were peculiar to the Jewish polity, and fugitive, like that polity? If so, then, as taken in connexion with what we know from other sources of the purposes of these Gospels respectively, the difference, so far from constituting a flaw in the composition of the Holy Scripture, is in admirable accordance with its purpose, and contributes to its perfection.

23. And here it is time for us to remark, that, as regards the essential point in the whole dispute, that of freedom to re-marry, the opposition between the three Gospels, on which so formidable a fabric has been reared, does not in reality exist at all. It is not St. Matthew, but it is the expositors of St. Matthew, who place him in conflict with St. Mark, St. Luke, and St. Paul. We make our appeal to the text as it stands; and, first of all, even as it stands in our own Authorised Version.

24. The words of St. Mark, in which we insert parentheses only to direct attention to the point at issue, are: "Whoever shall (put away his wife and) marry another, committeth adultery against her. And if a woman shall

(put away her husband and) be married to another, she committeth adultery." \*

The words of St. Luke are : " Whosoever (putteth away his wife and) marrieth another, committeth adultery : and whosoever marrieth her that is put away from her husband, committeth adultery." †

The words of St. Matthew, his only words relating to re-marriage, are : " Whosoever shall marry her that is divorced, committeth adultery ;" and again, " Whosoever shall (put away his wife except it be for fornication, and shall) marry another, committeth adultery ; and whoso marrieth her which is put away doth commit adultery." ‡

25. St. Mark and St. Luke declare to be guilty of adultery not those who put away their wives, but those who, having put away their wives, marry others. St. Matthew nowhere declares to be innocent of adultery those who marry others ; but only (by implication) those, who put away their wives for a particular cause, termed in our Bible fornication. But, like St. Mark and St. Luke, he declares of a divorced woman what they declare both of a divorced woman and of a divorced man, namely, that to marry with such a person is adultery.

26. But here it will be said that the leave given by implication in St. Matthew to put away a wife for fornication includes, by similar implication, a permission to marry another. Granting, for the moment, that the leave to put away is given, we demur to this extension of it. *Why* are we to hold that leave to put away is leave to re-marry ? We admit that the Mosaic permission to divorce in Deuteronomy§ included a permission of re-

\* Mark x. 11, 12.

† Matt. v. 32, and xix. 9.

‡ Luke xvi. 18.

§ Deut. xxiv. 2.

marriage; but this Mosaic permission is, in express terms, related by St. Matthew himself, to have been cancelled by our Lord. "Moses, because of the hardness of your hearts, suffered you to put away your wives: but from the beginning it was not so. And I say unto you," &c.\* So that, whatever else may have been substituted, it is clear that, at least, the law of Moses on this head has been displaced. And we have the clearest scriptural proof from another source that, under the Christian law, the severance of husband and wife does not of itself include re-marriage; because St. Paul has separated the two things, and where he reluctantly permits the former has expressly prohibited the latter. "Let not the wife depart from her husband: and if she depart, let her remain unmarried, or be reconciled to her husband."† By what authority, then, or upon what ground of reason, is it assumed that a permission to put away for fornication is also, *per se*, a permission to re-marry?

27. It would be surely enough to throw the burden of reply on those whose construction of St. Matthew would place him in conflict with two other Evangelists and with an Apostle. But we need not shrink from adducing positive ground to show that no permission of re-marriage is here given.

In the first place, the exceptive words "saving for the cause of fornication" (chap. v.), and "except it be for fornication" (chap. xix.), are in both the passages of St. Matthew connected by the laws of syntax with the putting away, and not with the re-marriage. Let us illustrate this by a parallel case. Suppose we found this precept: "Whosoever shall flog his son, except it be for disobedi-

\* Matt. xix. 8, 9.

† 1 Cor. vii. 10, 11.



ence, and put him to death, shall be punishable by law." What should we think of the interpreter who founded upon this sentence the position that a father might, for disobedience, flog his son to death? If the lawgiver intended to give this Draconic permission, the rules of speech would inevitably lead him to a different arrangement of his words; and he would say, "Except it be for disobedience, whosoever shall flog his son and put him to death shall be punishable by law;" or else, "Whosoever shall flog his son and put him to death, except it be for disobedience, shall be punishable by law." And yet St. Matthew, avoiding (on the showing of these torturing expositors) both these natural and regular modes of expression, adopts a method which, by the laws of syntax, defeats his own intention, and this not on one only, but on both the occasions when he deals with the subject.

28. But now let us look at the case on the other side. If the exceptive words give a permission, as we contend, only for putting away and not for re-marriage, everything becomes at once clear and simple; for then the words could only be put in one place of the sentence, and that is the one place in which we actually find them. So that a violent strain must be first of all inflicted on St. Matthew, in defiance of grammatical rules, in order that, through him, a like process may subsequently be applied to the other sacred writers.

29. Even this, however, is not all. We pray the reader to give for the moment a more particular attention to the closing words of St. Matthew in the fifth Chapter, "Whosoever shall marry her that is divorced committeth adultery," and to the corresponding words in the nineteenth chapter. It seems too probable that we translate, in the first case, and in the second, Greek words that are clear

into English words that are ambiguous. The phrases "her that is divorced" in chap. v., and "her which is put away" in chap. xix., are certainly capable of being understood either as "a divorced woman" universally, or "the divorced woman," that is the woman divorced under the particular circumstances just before described, namely, otherwise than for "fornication." But the Greek original is, according to the highest authority, liable to no such ambiguity. We make our appeal to Bishop Middleton,\* who has studied the use of the article in the Hellenistic Greek of the New Testament under the lights of modern criticism, and who without hesitation propounds this assertion. He considers it certain, from the now ascertained laws of the Greek language, that, if St. Matthew had meant only to condemn the re-marriage of women divorced otherwise than for "fornication," he must have used the article both in v. 32 and in xix. 9: whereas he has inserted it in neither instance. His expressions are—ὅς ἐὰν ἀπολελυμένην γαμήσῃ, and ὁ ἀπολελυμένην γαμήσας. They precisely correspond in breadth with the expression of St. Luke—ὁ ἀπολελυμένην ἀπὸ ἀνδρὸς γαμῶν:† the

\* Middleton on the Greek Article, p. 184, on Matt. v. 32:—"ἀπολελυμένην. Not 'her that is divorced,' but *any one* that is divorced. The distinction may appear frivolous, but the principle of the distinction is important. The force of the precept is, indeed, here the same; but that will not always happen."

Scholefield, Bishop Middleton's editor, suggests a proper verbal amendment, "when she is divorced"; but does not express his dissent from the substance of the Bishop's suggestion. See also pp. 6, 156. In the former the Bishop commends Lord Momboddo's definition of the Greek Article.

"It is the prefix of a noun, denoting simply that the noun to which it is prefixed is the same with that which was before mentioned, or is otherwise well known."—*Middleton*, p. 6.

† xvi. 18.

sense of St. Mark is the same, though the arrangement of the sentence is somewhat different.\* The words of all three, therefore, condemn re-marriage of a divorced woman, and condemn it universally, in terms which grammatically admit of no other construction. St. Mark and St. Luke differ from St. Matthew in expressly prohibiting the re-marriage of the divorced man, as well as of the woman; but under the sanction of none of the three Evangelists can any divorced woman be re-married; a fact which cannot be denied, which is of itself directly conclusive of half the question, and which, on the principles of the Christian law, ought to settle the whole of it.

30. Sustained by such authority as we have quoted, we press even up to the condemnation of re-marriage the argument derived from the absence of the article in St. Matthew. But this argument, though sound, is not necessary. In vain is an attempt made to exempt from the general condemnation of re-marriage with a divorced woman the particular case of a woman divorced for adultery and then re-married; because under the Jewish law no such case could exist, since the only judicial method of dealing with adultery was by capital punishment.

31. In fact, it appears, upon a close inspection of the several passages, that the popular sentiment rather strongly inverts the truth of the case, as between the three Evangelists. On the re-marriage of the woman they are, both in the spirit and in the letter, precisely at one. On the re-marriage of the man they are admitted to agree, except in the case where the woman has been put away for "fornication," and there too they agree, if the words of

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\* Mark x. 12.

St. Matthew in his nineteenth Chapter are taken in their natural order and meaning, and not read under the influence of extraneous prepossession. But it is curious to remark that, as respects the simple putting away of the woman, St. Matthew is in reality the most stringent among them. For St. Mark and St. Luke have no prohibition against the putting away of the woman for any cause, unless re-marriage follows. But St. Matthew, by intimating that in a particular case it may be permitted, inferentially condemns it in every other case.

32. We have brought the argument up to this point, on the supposition that the words of St. Matthew in chap. v. 32, and chap. xix. 9, set up a real exception, and that, setting apart re-marriage, a full divorce may take place under their authority in the case of "fornication" or adultery by the wife. But we must now proceed to question the whole even of this supposition. We have shown that the exception, if set up, goes naturally only to the point of putting away, and not to that of liberty to re-marry. But, moreover, we demur to the assumption that the words necessarily set up an exception at all; and we demur to the further assumption that, if set up, it can be certainly said to be set up in favour of the case of adultery.

33. This subject has been discussed with care and learning by the 'Barrister.' The words of exception in St. Matthew, v. 32, are *παρέκτος λόγου πορνείας*: and he justly argues that their whole force is to exclude the thing named from the scope of the proposition altogether, but that they rule nothing whatever in an affirmative sense respecting it.\* They would, he observes, instead

of "saving for the cause of," be more correctly rendered "apart from the question of," "without reference to the subject of," or "independently of a case of." By an exception we mean that which is capable of coming within a rule, but is taken out of it. The words *παρέκτος λόγου* far more properly designate that which does not belong to the rule at all in its proper signification, but is really irrelevant, though standing in some apparent relation to it. The one is a case of what contradicts a rule; the other a case of what does not belong to it, and is in no manner touched by it.

34. In the corresponding passage of the nineteenth chapter of St. Matthew, the received reading of the words of exception, on which our translation has been founded, was *εἰ μὴ ἐπὶ πορνείᾳ*. In this case the rendering is unimpeachable; but it is far otherwise with the reading itself. The 'Barrister' shows\* that long ago high authorities have given the preference to *μὴ ἐπὶ πορνείᾳ, non ob fornicationem*, which seems to reduce the phrase nearly to an equivalent of that in St. Matthew. Among these authorities it appears that we may name the Complutensian edition, Griesbach, Lucas Brugensis, Selden, and the late Dr. Burton. But the result of the most recent researches upon the text is to be found, we apprehend, in the Greek Testament of Lachmann; and he reads the clause in the very words of St. Matthew, *παρέκτος λόγου πορνείας*. Thus the evidence upon the words† all tends to show that their operation is not to except, properly so called, but to set aside, by what, borrowing from the

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\* Page 32.

† [The words translated "and shall marry another" are not in the *Codex Vaticanus*. See the Tischendorf N. T., Tauchnitz Ed.—W. E. G., 1878.]

fashion of our betters, expressed in Parliamentary usage, we may term the previous question. Our Lord therefore in this clause should be understood to say, "I do not now speak at all of the case of *πορνεία*, but as to every other case I tell you that whosoever," and so forth.

35. But now we come to that question which the acuteness and learning of Selden found incapable of clear solution; what is the meaning of the "fornication" of the English, the *πορνεία* of the Greek text? The only thing clear about it is, that the word is not used in its ordinary sense, which confines it to an offence committed by unmarried persons. It has received three principal constructions. Popularly it is and has now for a long time been assumed to mean adultery. Some would make it include all forms of sensual sin. Mr. Davies Morgan, in his well-thought though not so well-written work, 'The Doctrine and Law of Marriage,'\* has an elaborate dissertation to show that it means all spiritual incest or apostacy. On the other hand, Milton and the more rebellious spirits, so far as they condescend to deal with Scripture at all, extend it virtually to everything that can be the subject of dislike, which entirely nullifies our Lord's palpable intention to issue, if not a prohibition, yet a limitation of divorce. But very grave and early writers, Origen for example, and even St. Augustine, have greatly questioned whether the meaning of the word could be restricted to a single and that a simply carnal offence.

36. There are certainly serious objections to the received and popularly established sense of adultery for the word "fornication" in this place. For adultery is desig-

nated by its own proper name in the Greek language (*μοιχεία*), which, unless it be in this clause of exception, is exclusively employed for it throughout the five passages of the Gospels which bear upon the subject of divorce. There is therefore something strange in the introduction of a different word to express the same idea, the more so as it is marked by being used both times in the clause of exception, as well as by being used in that clause only. In Matthew xv. 19, and in Mark vii. 21, we find *μοιχεία* along with *πορνεία* in the enumeration of sins, from which the latter term would seem to mean, not merely not adultery in particular, but rather every form of incontinence except adultery; and again it appears clear that there is no other passage in the New Testament in which the word can be shown to bear the specific sense of adultery.\*

37. Still, we are far from saying it may not be properly so understood by a derivative process; that is to say, as the established meaning of the word relates to mercenary lusts, and as from this it passes to incontinence in general, and as the common form of incontinence in a married person is denominated adultery, we do not venture to deny, and will now for argument's sake assume, the construction to be correct. We may, therefore, suppose our Lord to declare in this clause that, setting apart the question of adultery, a man may not put away his wife.

38. But this concession will not in the slightest degree assist the adversary. His aim is to show that a wife may be put away for adultery, so as to leave him free, during her lifetime, to re-marry. But our Saviour's words contain no such statement. Even our opponents, with the

\* Schleusner; Lex. Nov. Test.

Greek text in their eye, will admit that they do not contain it explicitly or plainly. But the proposition was one which, if it was meant to be conveyed, especially required to be conveyed in the clearest manner; inasmuch as it was one wholly foreign to the laws of Judæa, which nowhere speak of divorce for adultery. Had such a law existed among the Jews, no doubt an equivocal and indirect allusion might have sufficed; but such a form of speech never could have been the vehicle of an intention of our Lord's, which would actually have gone to repeal an existing and familiar Jewish law, and to put a wholly new one in its place.

39. Instead of doing all this elaborate and ineffectual violence to the text, let us just remember what was the law of the Jews respecting adultery. It was, that both the parties to it should be put to death.\* Now, the surrender of a wife to such an operation was evidently susceptible of the general appellation of "putting away," while it was not in reality of the nature of a divorce as far as regards the main question of re-marriage, during the term of the joint lives, since the death of the wife as a matter of course made the husband free. From that passage in St. John, which relates to the woman taken in adultery, we perceive that it was not our Lord's intention to disturb, by direct injunction of his own, the existing judicial and penal system. For he did not forbid the stoning, but only exacted that it should be done by those who had not themselves offended; a proceeding which was in entire harmony with the trial by the waters of jealousy ordered in Deuteronomy. Just as plainly, when He said, "Neither do I condemn thee," he did not give

\* Deut. xxii. 20-24.



his sanction to her being divorced, but rather pointed to her being again received by her husband.

40. Viewed in this light, the supposed exception of St. Matthew is no exception at all so far as concerns the case of re-marriage, but is a simple parenthesis; while the tenor of the passage is restored to perfect harmony and clearness, and St. Matthew stands in entire unison with the other Evangelists. The force of the passage, with the parenthesis, appears then to be expressed by a paraphrase such as this: "On the subject of divorce, setting aside the case of adultery or the wife's incontinence, which is provided for by a separate law, I tell you that whosoever puts away his wife causes her to commit adultery; and whosoever marries a woman put away commits adultery." Such a construction of the passage, presuming the parenthesis to refer to adultery, is in every way consistent. It adheres to syntax, follows the natural import of the words, tallies exactly with the state of the Jewish laws, fulfils the condition of intelligibility to the hearers, and not only leaves no discrepancy, between St. Matthew and his co-Evangelists, but gives force and propriety at once to his insertion and to their omission; to the insertion, because it has reference to the ideas and practices of Jews, for whom St. Matthew wrote; and to the omission, because the clause had absolutely no meaning for Gentiles, whom St. Mark and St. Luke had it for their purpose to inform. Nor is it less natural, that St. Paul should avoid any reference to the subject in addressing the Christians of Rome.

41. If, then, we travel so far in company with our opponents as to adopt the common opinion about the meaning of the word translated "fornication," even with this assumption brought in aid their conclusion cannot

stand. On the contrary, it has been justly observed by Bishop Burgess,\* that, as the one exception designated by the parenthesis, if it be properly so termed at all, derives its force from the death of the party, *cessante causâ cessat effectus*, it is and can be of no force except where the party dies. But that common opinion of the meaning of the word is far from being supported either by universal authority, or by demonstrative reason. On the contrary, there is no small likelihood that, in conformity with the known language of the Old Testament, the word "fornication" may designate a spiritual and not a sensual evil. Etymologically it is not tied to the one rather than the other sense; and usage will sanction either. The original idea is that of sale and transfer; and some are of opinion that the original word *πόρνῃ* means a harlot, because in Greece those unhappy persons had usually been purchased or were purchasable as being slaves. We refer the reader to the Lexicon of Schieusner for instances (take for example Rev. ii. 22), where the unlawful commerce indicated is that of the soul; and to the work of Mr. Davies Morgan,† for reasons and authorities in support of the conclusion that in this passage we ought so to understand it. It will then mean heathenism, idolatry, or apostacy from God. And it is easy to show that such a signification harmonises, perhaps even more remarkably than the sense of adultery, with the Jewish laws, while it is entirely consonant with the doctrine of St. Paul.

42. First as to the Jewish laws. It was absolutely forbidden under the Mosaic law to contract marriages with aliens in religion, as may be seen from Exodus xxxiv. 14-16, and from Deuteronomy vii. 3: "Neither shalt

\* Quoted in Morgan, ii. 61.

† Vol. ii. p. 88, and Appendix I.

thou make marriages with them: thy daughter thou shalt not give unto his son, nor his daughter shalt thou take unto thy son." They were, therefore, in law originally void. And upon this principle we find that, after the captivity, Ezra rebuked the people in the mass for having taken such wives, and required that they should all be put away; to which the people assented. Nehemiah, for a similar purpose, "contended with them, and cursed them, and smote certain of them, and plucked off their hair, and made them swear by God."\* If, then, our Saviour refers to marriages which had been contracted with women that were in spiritual fornication, either they were so when married, or they had become so since. If the former, the case is not one of divorce at all, but of a declaratory process where the marriage had been originally null. If the latter, if the wife had become idolatrous or apostate, the case might be one of divorce in the sense of putting away, and in that sense the words of our Saviour harmonise with the directions of St. Paul; but, as we have already shown, the authority to put away does not, *per se*, involve authority to re-marry, and the question of re-marriage receives its direct and decisive settlement, so far as she is concerned, under the consentient words of St. Luke, St. Mark, and finally St. Matthew in each of his two passages.

43. As regards the liberty of the man to re-marry, we refer to the previous argument, and to what will presently be said on the subject of desertion. And as to that construction of the word *πορνεία*, not in our opinion the best supported, which makes it mean all incontinence, the argument of the pamphlet named at the head of

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Ezra, chap. ix. and chap. x. 1-14; Nehemiah xiii. 23-31,

our list sufficiently proves that the parenthesis when thus understood is still essentially and exclusively Jewish, and ceases to operate with the cessation of the Mosaic dispensation.

44. We will now release the reader from this wearisome but necessary inquiry, so far as it relates to the grand fiction of the case, the supposed authority to re-marry in the case of adultery; only subjoining two remarks. The first remark is, that this authority is extended by the Bill from the man to the woman with a strange and self-condemning inconsistency. In the express words of St. Paul and of two Evangelists, with whom the third as we have seen stands in harmony, by the adamantine laws of grammar, the re-marriage of the woman is condemned. With the aid of licentious construing and of arbitrary deduction from the supposed liberty of the man, it is set up again for the case of adultery. It then becomes, one would suppose, a sacred Scriptural right, and nothing remains but the proof of adultery in the husband to entitle the innocent wife to a divorce. But, strange to say, our misinterpreters of Scripture, after having by force extorted from it this freedom for the woman, then by like force withhold from her hands all but a very small modicum of the ill-gotten treasure; for the adultery of the husband is not to entitle the wife to a divorce *a vinculo*; she can only have it when the adultery is joined with desertion, cruelty, bigamy, or incest. Our second remark is, that the misinterpretation of Scripture, now before us, betrays itself, at every step, by new inconsistencies. For if it were tenable, the consequence would be that a woman justly divorced for adultery might re-marry, but that a woman improperly divorced, without fault on her own part, could not. All the re-

marriages, therefore, of women who have been divorced for adulteries have been innocent; but the re-marriages of those, who had been innocent, have been adulteries!

45. We shall deal much more summarily with the other supposed case of Scriptural divorce *a vinculo*, that of desertion; for it admits of being simply handled; and, though we may shortly hear more of it, it has no reference to the legislative scheme now before the world.

St. Paul, in his Second Epistle to the Corinthians, positively forbids the contraction of marriages with unbelievers: *μὴ γίνεσθε ἑτεροζυγοῦντες ἀπίστοις*, "be ye not unequally yoked together with unbelievers:"\* an awkward translation, for the meaning seems rather to be simply "*become* not yoke-fellows with unbelievers." A question, however, could not but arise in infant communities, formed piecemeal out of the Gentile world, how to deal with those cases where one only of a married couple had embraced the Gospel. And this question St. Paul had solved in his First Epistle, but by way of counsel on his own authority. The words where he proceeds to grant a certain liberty are, "But to the rest speak I, not the Lord;"† and, we ask, can anything more touchingly indicate the jealous care of our Lord and Saviour over the great institution of marriage, than that, when a case of temporary anomaly had occurred, which seemed to require a provision in apparent conflict with the general character of its obligations, this leave should be conveyed not direct from the fountainhead of sacred inspiration, but simply as the human thought of Christian wisdom? The effect is that, if in this licence, given by St. Paul, there

seem to be anything at variance with the divinely described character of marriage, it is *ipso facto* null.

46. But there is no such contrariety. St. Paul's counsel is that, if the believing husband and unbelieving wife are jointly minded to continue in conjugal union, they may and shall so continue.\* "But if the unbelieving depart, let him depart." The words that follow are, "a brother or a sister is not under bondage in such cases:" and if they refer to the case just before described, the meaning seems to be, "if he is resolved to separate, accept the separation; do not attempt to follow him; the marriage tie does not bind you in such cases against the tie of the Christian covenant." But in this contingency of desertion, there is not the faintest allusion to the liberty of re-marriage. That question seems to be ruled effectually, and for the woman expressly, in the negative by the antecedent words (ver. 11), in which St. Paul, speaking now by inspiration, says, "But and if she depart, let her remain unmarried, or be reconciled to her husband."

47. And, finally, let us observe what was the nature of the marriage contract, with which the Apostle is here dealing. It was not the high Christian rite, celebrated by the Church and before God, and by His authority exalted to be a figure of the indissoluble union between Christ and His universal Church; it was the simple contract of marriage, into which men entered by the law of nature outside the pale of revelation, and which, though a healthful institution, and a valid agreement, was not and could not be a full parallel to the marriage of Christians. It is this natural and civil marriage, which

St. Paul says may, for difference of religion, be broken by separation. But we leave the reader to judge what parallel there is in the cases, or what inference can be drawn from the liberty of a Christian to remain separate, without re-marriage, upon being deserted by an unbeliever, after a marriage made in heathenism, in favour of the opinion that a Christian, after a Christian marriage, may, when deserted, not simply remain separate, but proceed to re-marry.

48. We have done now with the Scripture argument; and we aver that St. Paul does no more than echo the consentient teaching of all parts of the New Testament when he says to the Romans :\*—

“The woman, which hath an husband, is bound by the law to her husband so long as he liveth; but if the husband be dead, she is loosed from the law of her husband.

“So then if, while her husband liveth, she be married to another man, she shall be called an adulteress; but if her husband be dead, she is free from that law; so that she is no adulteress, though she be married to another man.”

For Christian marriage is, according to the Holy Scripture, a lifelong compact, which may sometimes be put in abeyance by the separation of a couple, but which never can be rightfully dissolved, so as to set them free, during their joint lives, to unite with other persons.

49. (II.) And now it will be instructive to take a rapid survey of the varied history of marriage in different countries and ages of the world, with reference to some of those restraints upon which its efficacy and sanctity depend.

In setting aside the Mosaic law of divorce, our Lord

has emphatically told us that, at and from the beginning, marriage was perpetual, and was on both sides single.

“Moses because of the hardness of your hearts suffered you to put away your wives; but from the beginning it was not so . . . .

“Have ye not read that he, which made them at the beginning, made them male and female.

“And said, For this cause shall a man leave father and mother, and shall cleave to his wife; and they twain shall be one flesh?

“Wherefore they are no more twain, but one flesh.”\*

Such is the *Magna Charta* of marriage.

50. And with this majestic and beautiful delineation the manners of Greece, in the simplicity of the heroic age, remarkably correspond. Among the Greeks of Homer we find no trace of polygamy, though, to judge from the case of Priam, he imputes it to the Asiatics; and it seems also likely that they may have lapsed into the practice of divorce. On the Greek side, however, as a general rule, we meet with even concubinage only in its mildest form: that is among a part of the Greek chiefs (some would say the whole of them, except Menelaos)† when encamped before Troy, in a prolonged absence from their homes, and with every sign that even this concubinage was single. Agamemnon‡ intimates an intention to retain Chryseis as a concubine; but in words which seem to show, that this was by no means an ordinary licence. Again, one of the fictions of Odussæus in the *Odyssey* makes him the grandson of a woman of this class. The only case, however, in which the practice is actually set before us in Greece (except as it is to be inferred from the designation of such and such persons as spurious children), is that of Amuntor, the father of Phoinix; and here, through the active re-

\* Matt. xix. 8, 4-6.

† Athenæus, xiii. 3.

‡ Il. I. iii.



sentment of the mother, it at once becomes the foundation of a fearful domestic feud. In the families of Odusseus, Laertes, Nestor, Alkinoos, we have no trace of it. Megapenthes, the son of Menelaos, was born of a slave, but this appears to have been after the abduction of Helen;\* and the very name, by marking him for a child of sorrow, contains a touching allusion to the calamity which had befallen the father.

51. The illustrious Bellerophon repeats the conduct—perhaps represents the tradition—of Joseph in the house of Potiphar. In Clutaimnestra† the guilt of adultery is by no means swallowed up in that of assassination, and the crimes of Aigisthos are mentioned in the Odyssey as a twofold horror. In the view which the Greeks take of Paris, the criminality of the adulterer is mixed with the shame of poltroonery; in Helen it is palliated by the violence she had suffered. But this last example tells powerfully against the supposition that divorce with remarriage, or even without it, was practised, or perhaps so much as known, in that age and country. For during the very long absence of Helen, Menelaos does not re-marry; and when Troy is taken, she returns naturally and without question to her place both in his household and in his heart. And it is not a little curious, that, as the Iliad disposes of the case of adultery, so the Odyssey settles that of desertion: for Penelope is represented as waiting, after an interval of nineteen years, for positive tidings of the death of her husband, before she will contract a new engagement.

52. In later Greece and Rome, as among the Mahometans of the present day, the practice of divorce was established and regulated by law. It is, however, asserted

\* Od. IV. 10-14.

† Od. I. 36.

with respect to Rome that there is no case of it on record before that of Carvilius Ruga,\* above five hundred years later than the reputed foundation of the city. But, as time passed on, marriage lost its religious and solemn character, and became a loose and voluntary compact; so that, at the period of our Lord's advent, divorce was frightfully common. At this we must not wonder. It would be too much to expect that a strictness, from which the Jews were perforce as it were allowed to depart, and which even Christian nations have not always been able to bear, should have been maintained through thousands of years in the heathen world. It is rather a thing marvellous and admirable, that at any period of heathen history we should find the tie of marriage quite indissoluble, as we seem to find it in Homeric Greece, and in the patriarchal age. With the general decline of manners, we find a constant increase of the boasted liberty of divorce; and Gibbon, no straitlaced judge, after reviewing the course of Roman marriages, records his judgment in these words:—

“A specious theory is refuted by this free and perfect experiment; which demonstrates that the liberty of divorce does not contribute to happiness and virtue.”†

53. We must now cast a glance upon the Christian history of marriage. And here the proposition can be made good that, for almost three hundred years from the birth of Christ, we have no appearance whatever of either separation or divorce, except in the case of unbelief; and no licence, however qualified, to re-marry, which it is now pretended that Scripture gives. Nay, even after that

\* A.U.C. 525. † ‘Decline and Fall,’ chap. xliv. vol. viii. p. 60. [Hume, in his *Essays*, arrives at a similar judgment.—W. E. G., 1878.]

time, it was very gradually that licence crept in. The Pastor of Hermas allows the husband to separate from the wife for idolatry, but not to marry another woman, or to disable himself from receiving her back upon repentance.\* Justin Martyr mentions "a Christian woman who separated herself from a heathen and adulterous husband, not on the ground of his adultery, but for the preservation of her own faith and piety;" and the Virgin Thecla cancelled her espousals, on the ground of the hatred of her betrothed husband to the Gospel.† Ptolemaios notices the opposition of the Mosaic law to the Christian one, in that it made marriage dissoluble.‡ Athenagoras treats the prohibition of re-marriage as binding for life even upon widowers and widows. We have to ascertain the sentiments of Tertullian§ under the disadvantage caused by his obscurity; but it would be strange indeed if he, who wrote a treatise against such second marriages generally, even after the bond was broken by death, had in any case admitted of them before that rupture. In fact, he appears to have admitted of no exception unless in the case of alien marriages, which he takes to be meant by the term "fornication," and which he treats, not as dissoluble in the proper sense, but as null and void. Marcion, whom he opposed, like Ptolemaios, contrasted the Christian prohibition with the Mosaic permission.

54. Clemens Alexandrinus appears to treat the bond as absolute, and, while allowing not re-marriages but second marriages, commends, nevertheless, those who abstain from them.|| Origen treats the re-marriage during the

\* I. Mand, 4; Morgan, ii. 148. † Morgan, ii. 151. ‡ ii. 152.

§ Morgan, 154-69; Tertull. de Monog. and adv. Marc. iv. 44.

|| Morgan, 172.

consort's life as forbidden by Scripture ; yet thinks it may be conceded, with qualification, to the infirmity of incontinent men. And this is apparently the very first sign of a disposition in the Church to yield anything to the prevailing manners. The Apostolical Canons, which belong to this period, declare as follows : "If a layman divorce his wife and marry another, or marry a wife divorced by another, let him be separated (from the Church)."\* The Council of Eliberis forbids the re-marriage of women, even if they have left their husbands for adultery ; but at this time divorce for adultery with re-marriage had begun to be partially recognised for men. The first Council of Arles (A.D. 314) dissuades, but yet does not absolutely condemn, re-marriage of a man who has divorced his wife for adultery.† Late in the third century Lactantius denounces all re-marriage except that of a man for the wife's adultery, thereby conveying the permission in that case ; and he is the first of the Fathers who acknowledges the proceeding as a rightful one.

55. In the end of the fourth century, St. Augustine holds that Scripture is obscure upon the point of re-marriage for any husband who is only in the condition of a catechumen ; but even in this peculiar case his own judgment condemns it. And he subscribed in A.D. 416 the canon of the Milevitan Council, which absolutely forbids all re-marriage. From this time forward, some division of opinion on the principle of re-marriage of divorced persons must, we apprehend, be admitted to have existed among Christians. But the utmost difficulty still besets the case of those, who seek to show that the Church of Christ gave any sanction to the re-marriage of

\* Canon xlvii. ; Labbe and Cossart, i. 35.

† Morgan, ii. 177.

women, or to the re-marriage of adulterers, or to the intermarriage of the persons between whom the adultery had taken place. The Apostolical Canon, indeed, which we have quoted, appears to have had the authority of a law of the universal Church; \* and it never was set aside at any period by any regulation of equal authority.

56. It seems then that, in the exercise of her commission from Christ, the Church was able to maintain the absolute obligation of the marriage contract, until the extent of her conquests over the masses of a corrupt society, and her alliance with the civil power, brought her into conflict with such a tide of worldly opinion and propensity, as she was not able wholly to withstand. Accordingly the principle of divorce, handed over from Paganism, forced its way into the legislation of the Christian empire, and subsisted there, sometimes, as under Constantine, with a moderate, sometimes, as under Anastasius and the later laws of Justinian,† with a frightful extension; for in these latter cases the principle of divorce by consent, or *bonâ gratiâ*, was largely acknowledged. And strange to say, those Scripturalists of the present day, who conceive that the measure now impending aims at the vindication of Bible freedom against the tyranny of the Church, must fetch almost every one of the authorities that can avail in support of their own interpretation from the post-Nicene period of ecclesiastical history; and the paternity of the system of divorce runs up straight on the one side to Judaism, on the other to the pagan legislation of Rome in its decay.

57. We do not believe that the representation which,

\* ‘Sequel of the Argument,’ &c., p. 173.

† See the Summary in Pouget, *Inst. Cathol.* ix. 338.

with Mr. Morgan's aid, we have given of the early testimonies can be contradicted. Bingham's account is not so precise as could be wished; but he adduces no evidence which is adverse to it.\* The learned and candid author of the 'Sequel,' after a full and comprehensive review, states his conclusion (pp. 173, 187) in yet stronger terms than ours. Milton examined this subject with abundant learning and keen solicitude, and has given us the result towards the close of his *Tetrachordon*. He cites from the first three centuries only Justin Martyr, Tertullian, and Origen: the first as a witness for severance, not for re-marriage; the second to deduce, by an arbitrary and slippery inference in opposition to the general, and as we think unequivocal sense of the writer, a probability that Tertullian did not condemn re-marriage; and the third with the fair admission that Origen thought Scripture went the other way, but evidently, for the sake of taking advantage of that author's opinion that the "fornication" of St. Matthew could not be confined to simple and literal adultery.†

58. We now traverse a long period, ending with the middle ages, during which the Eastern Church remained in direct alliance and harmony with the State, while the Church of the West, especially in its centre of power at Rome, was comparatively remote from ordinary political influences, and frequently involved in great crises of conflict with the civil power. The consequence was, as might be expected, that the Eastern Church compounded in some degree with the spirit of the Byzantine State, and gave more or less of sanction to re-marriage after divorce.

\* Book xxii. chap. ii. sect. 12.

† Milton's *Tetrachordon*: Prose Works, vol. i. p. 314 (4to. 1753).

We say more or less, for this among other reasons, that, as we are informed, Mr. Neale, the very learned historian of the Eastern Church, contests the wider admissions that have been made on this subject. Doubtless, both in West and East, there was a struggle against the primitive and always unrepealed law; but it ended in the West with the firm establishment (subject only to very rare evasion by legal fictions as to grounds of nullity) of the indissolubility of marriage as a principle of the Canon and of the Statute Law. Thus it was found by the Reformation in England; and thus, thank God, it still continues.

59. But an attempt is made to prepossess our minds adversely to this ancient and venerable law, by insisting upon the fact that we owe it to the times of popery. Now, we have shown that we owe it in the first instance to our Saviour Christ, and to the Apostles and Evangelists. We owe it, next, to the primitive Church. What we owe to the Western Church, and to the Pope as its head during the middle ages, is this; that they vindicated the Christian law of indissoluble marriage against the rudeness of barbarism, and against the rottenness of an exhausted and dead civilisation. "Why should it be thought a thing incredible" with us, that the Church of Rome might here and there, by accident at least, do right?

60. Here, however, we are entertained to another argument of that deplorably fatuous description, which almost makes a man despair of his age, if not of the whole future of his kind. Marriage we are told with the Roman Church is a sacrament, and therefore indissoluble: with us it is not a sacrament, and therefore it should be dissoluble. It moves astonishment to see what a multitude of errors can upon occasion be crowded into a small space; only it unfortunately happens that, instead of

being crushed to death by crowding, like human beings, they live and thrive the better in proportion as the pressure is close and the atmosphere foul, and as the daylight is prevented from getting in among them. Marriage is indissoluble, forsooth, because a sacrament. But the Eastern Church treats marriage as a sacrament, yet its ritual, and, as our antagonists give us to understand, its law, do not treat it as indissoluble.\* As, therefore, marriage may be a sacrament and yet dissoluble, so may it cease to be a sacrament and yet remain indissoluble. Why, however, should we be the dupes of a word? As to the substance, it would not be easy, so far as we perceive, to detect much variance from Scripture in the description of marriage by the Council of Trent in the *Doctrina de Sacramento Matrimonii*.† But, to sum up all, not even as respects the mere skeleton of the word can this unhappy argument be sustained. For if those who use it will turn to the Homilies of the Church of England, which are approved by the Articles, they will find these words: "By like holy promise, the *sacrament of matrimony* knitteth man and wife in perpetual love."‡

61. The opinion of the Roman Church itself does not found the indissolubility of marriage on its character as a sacrament, but only conceives the obligation to be enhanced by that circumstance. *Matrimonium, ut nature officium consideratur, et maxime ut Sacramentum, dissolvi non potest.*§ Nor will those friends of the principle of divorce, who admit that Scripture is to be considered in this matter, take any benefit from being rid of the word sacrament,

\* See, for instance, Glen King's Rites of the Greek Church, 235 and seqq. † Conc. Trid. Sess. xiv.

‡ Homily on Swearing, part. i.

§ Catech. Rom. ii. De Sac. Matr. 11.



when they remember that 'St. Paul terms marriage "a great mystery"; τὸ μυστήριον τοῦτο μέγα ἐστίν.\*

62. Nor yet is it easy to ascribe to evil motives the successful struggle of the Western Church to keep marriage indissoluble. This doctrine was not needed in order to secure the intervention of the priest; for this might, as in the East, have been rigidly required, even though the contract were one capable, for certain causes, of determining. And if the Court of Rome has, under the actual state of things, enjoyed a valuable privilege in dealing with cases of nullity, she might on the other hand, by permitting, and at the same time, like the Council of Arles, dissuading divorces, have opened for herself a far wider and richer gold-field in granting dispensations for them.

63. At a particular moment of the Reformation, when foreign influence over the counsels of the English leaders in that great movement was at its zenith, the *Reformatio Legum* was compiled. It abolishes the minor form of divorce *a mensâ et thoro*, and establishes divorce with the right of re-marriage (1) for adultery, (2) for desertion, (3) for deadly quarrels, (4) for cruelty of the husband, (5) for his too long absence; but subject in the last case to the rather ludicrous provision that, if the returning partner can prove that he has been detained from home otherwise than by his own will, he shall again be received into favour, and the unhappy bodkin, though a true and lawful husband, shall be turned adrift.

64. There are probably few who agree with Milton, as to marriage at least, in deeply deploring that this monument of our "sincerest" time did not become law; but in two points the handiwork of the time of Edward VI.

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\* Eph. v. 30.

is far more highly toned than the slipshod contrivances of the present day. For every privilege (if the word must be so applied) which it secures for the man, it secures equally for the woman also; and it testifies with unequivocal force to the stern reality of the desire to stop adultery. It asserts that that crime might properly be punished with death; and it actually imposes on the offender the penalty not only of forfeiture of half his goods, but with this of exile, or else imprisonment for life.\* And when a charge of adultery is met by successful recrimination, both parties are to suffer the penalty of the offence.†

65. It is sometimes stated to have been owing to accident that this code never became law. And an attempt is thus made, as, for example, by the Commissioners of 1853, to invest it with a peculiar force, different from that of other unfulfilled projects of public authority. But the plea is futile. The book, says Strype, "had certainly been ratified, had God spared that King's life (Edward VI.) till another parliament." This appears doubtful.‡ It is of course to be assumed that, even in Tudor times, a code, containing enactments so highly penal, could not have taken practical effect as law without the assent of Parliament. But had it become law under Edward, it would, with the rest of his laws respecting religion, have been repealed by Mary, and its re-enactment would have been considered afresh upon its merits under Elizabeth. It had not then passed into oblivion. It was revised by Archbishop Parker, whose

\* *Reformatio Legum*, p. 50, ed. 1850.

† *Ibid.* p. 57 (*De Adult. cap. 17*).

‡ Cardwell's Preface to *Ref. Legum*, p. ix. note; Strype's Parker, vol. A. p. 62, ed. Oxford, 1821; and elsewhere.

copy of it is not known to exist, but is presumed to be that lately reprinted at Oxford. Foxe and others actually laboured for its adoption by Parliament, while they were taking exception to the Book of Common Prayer. It was referred to a committee of the same party in the House of Commons.\* But it proceeded no further. The just presumption is, that it was regarded as one of those measures of "further reformation" which the puritans and foreigners desired, but which were not approved by the Queen, the leading Churchmen, and the bulk of the nation.

66. In the reign of Edward VI. a practical step had, however, already been taken towards the unsettling of that law of marriage, which had prevailed in Christian England from the very earliest times. The Marquis of Northampton had obtained a divorce *a mensâ et thoro* for adultery. The King's delegates pronounced that this was equivalent to a divorce *a vinculo*, and authorised re-marriage. Northampton, who had anticipated the decision by taking another wife, obtained an Act of Parliament to confirm it, evidently upon legal advice, in the last year of the young King's reign. But the Act was repealed under Mary, and was heard of no more.† It serves no other purpose than to show, that, even when sustained by the authority of the Crown, he could not rely on his re-marriage as valid under English law.

67. For nearly a century and a half from the time of the breach with Rome, that is until the year 1670, with the single and transient exception that has just been mentioned, there was no divorce, properly so called, in England. During the Commonwealth, adultery was made

\* Cardwell's Preface, p. xii.

† Davies Morgan, ii. 229-31.

capital ; but the marriage contract remained indissoluble. Yet in this period Scottish influence was strong, and Milton employed his powerful pen, in a variety of pieces, on behalf of an extended change. In studying these pieces at the present day, the mind may well be divided between admiration of the force and grandeur of their language, and thankfulness that England was found proof against the seduction of the pestilent ideas they convey. It is sad to see, between Judaism, puritanism, and republicanism, how depressed were the conceptions of the Christian doctrine and system, which this lofty genius was not only content to embrace, but enthusiastic to propagate. That, for which he pleads, is a licence of divorce for aversion or incompatibility ; the wildest libertine, the veriest Mormon, could not devise words more conformable to his ideas, if indeed we are just to the Mormon sages in assuming that they alienate as freely as they acquire. And all this energetic emotion of Milton's betrays its selfish origin, by the fact that it is man only, whose sufferings in unhappy marriages he commiserates ; the wrongs and sorrows of women seem to have been in his view a very secondary affair ; indeed he but faintly shows that he was even conscious of their existence.

68. Marriage, he says, was made for man, but woman was made for marriage. When his third wife, who cherished him in blindness and old age, importuned him to accept the generous offer of the Government after the Restoration, and resume his official situation, his considerate reply to her was, " You as other women would ride in your coach ; my aim is to live and die an honest man." \* The credit due to the Presbyterian party for

\* Symmons's 'Life of Milton,' p. 375, 376.

declining to follow this charmer is great, because he, without doubt, charmed most skilfully. The following passage is a fair sample of the powerful strain of his writings on divorce. Nowhere is he more a Poet, whether for music or for majesty, than in his prose :

“ Him I hold more in the way to perfection who foregoes an unfit, ungodly, and discordant wedlock, to live according to peace and love and God’s institution in a fitter choice, than he who debars himself the happy experience of all godly, which is peaceful conversation in his family, to live a contentious and unchristian life not to be avoided, in temptations not to be lived in, only for the false keeping of a most unreal nullity, a marriage that hath no affinity with God’s intention, a daring phantasm, a mere toy of terror, awing weak senses to the lamentable superstition of ruining themselves, the remedy whereof God in his law vouchsafes us. Which not to dare use, he warranting, is not our perfection, is our infirmity, our little faith, our timorous and low conceit of charity ; and in them who force us, it is their masking pride and vanity, to seem holier and more circumspect than God.”\*

69. We come now to the commencement of the *privilegia*, or private Acts, which have been passed to release individuals of high station or of fortune from the operation of the law of England, which by common law, by canon, by immemorial tradition and usage, and by the combined force of statute and canon in the Book of Common Prayer, makes marriage indissoluble. And certainly, if a practice can earn condemnation on account of the circumstances in which it has had its rise, this is the very case for such condemnation. The Bill for the divorce of Lord Rosse, granting him leave to marry again, was pushed forward by those who represented the natural feeling of the people at the time, who desired to bar the

\* Tetrachordon, Works, i. p. 301.

succession of the Duke of York by means milder than an Exclusion Bill, and who hoped to draw the King into their measures by opening to him, through this precedent, the prospect of a divorce from his wife, and thus of future issue. Charles himself, as we learn from Evelyn, attended the debate in the House of Lords : \*

"I went to Westminster, where in the House of Lords I saw his Majesty sit on his throne, but without his robes, all the Peers sitting with their hats on; the business of the day being the divorce of my Lord Rosse. Such an occasion and sight had not been seen in England since the time of Henry VIII."†

70. Of eighteen Bishops present, only two, Wilkins and Cosin, supported the Bill, if Evelyn may be trusted. To these the Parliamentary History adds Reynolds, well known as "a distinguished Puritan who had conformed. Wilkins was a reputed Latitudinarian. Cosin has left his views upon record. On the Scripture argument he throws no light; assumes the readings and the translation, and appears, where he argues that putting away implies liberty to re-marry, to confound together from carelessness the phraseology of different passages.‡ A partial examination of the historical authorities he quotes has shown us that they cannot be trusted.

71. For instance, he cites as a precedent the marriage by Laud (of which that prelate repented ever after as a "foul offence") of Lady Rich, who had been divorced *a mensâ et thoro*, to the Earl of Devonshire.§ But it appears that in this case there had been a pre-contract||

\* March 22, 1670.

† Evelyn's Memoirs, i. 425.

‡ Cosin's Works, vol. iv. p. 489 (Oxford, 1851).

§ Le Bas, 'Life of Laud,' p. 10.

|| By 32 Henry VIII. c. 38 (A.D. 1541), it was enacted, that no marriage solemnised in the face of the Church and consummate with

between the parties, which Laud at the time took upon himself to treat as annulling the marriage to Lord Rich. Again, he quotes the Constitutions of the Apostles, and those of the English Church under Elizabeth. As to the former, the reference supplied by his editor is to a passage wholly irrelevant: \* and as to the Canons of 1597, the reader will be astonished, on referring to them, to find † that they not only are confined to the cases of nullity and separation, but that they actually require that the parties separated shall give that very bond against re-marriage which is still, we believe, uniformly exacted from them.

72. But the Bill passed, though only by a majority of two; the dike was pierced, and the piercing of it was like the letting out of water. Yet the materials of it were stout and firm, and the progress of the evil slow.

bodily knowledge and fruit of children should be rendered void on account of any pre-contract not so consummate.

By the 2 Edw. VI. (A.D. 1548) this Act (so far as it related to pre-contracts) was repealed.

And in the 3rd year of Queen Anne (Collins v. Fesset, Salkeld's Rep. ii. p. 437) it was said by Chief Justice Holt, and agreed to by the whole bench, "that if a contract be *per verba de presenti*, it amounts to an actual marriage, which the very parties themselves cannot dissolve by release or other mutual agreement; for it is as much a marriage in the sight of God as if it had been *in facie Ecclesiæ*: with this difference, that, if they cohabit before marriage *in facie Ecclesiæ*, they are for that punishable by ecclesiastical censures; and if, after such contract, either of them lies with another, they will punish such offender as an adulterer.

"That if the contract be *per verba de futuro*, and after, either of the parties so contracting, without a previous release or discharge of the contract, marry another, it will be good cause of a dissolution of a second marriage, and of decreeing the first contract's being perfected into a marriage."

In 1753, by the 26 Geo. II. c. 33 (Lord Hardwicke's Act), s. 13, the force of pre-contracts was at last conclusively cancelled.

\* Const. Apost. vi. 17.

† Cardwell's Synodalia, ii. 154.

"In the 130 years which followed this assumed method of divorce, there were 132 bills of divorce granted by Parliament, namely, eight in the first 45 years, 50 in the succeeding 60 years, and 74 in the last 25 years, terminating in the year 1799."\*

73. In the four last years of the series, there had been no less than twenty-nine Divorce Bills. Again, the scope of the Bills has been gradually extended. Cosin forbade the adulteress to re-marry, and such was the rule of the earlier Bills; but the restriction has been withdrawn. There has been maintained, we believe, until the present day, under an order of the House of Lords, † a sham contest between its rules and its practice, which always ends in the establishment of the power of the guilty parties to intermarry if they please. Hence may arise, as Mr. Davies Morgan observes, "a complicated system of collusion and connivance. The wife conceals the faults of the husband, that he may not be debarred of his Bill of Divorce, in the 'benefits' of which she is to participate." ‡ The husband and the adulterer may, in certain cases, have their motives for acting in concert. And the House of Commons likewise takes care, in passing Divorce Bills, that the dismissed wife shall not be left without pecuniary provision. The practice of passing these bills is bad, not only because the principle of individual exemptions from general laws is vicious and destructive, but because they exhibit in the face of the country a most offensive example of the power of wealth, and of the privileges of the great, yet indeed they are *ἄδωπα δῶπα*, privileges of the class which have been termed the "mournful privileges" of Scotland with respect to divorce; while the plea of neces-

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\* Davies Morgan, ii. 240. See also Parl. Paper, No. 123, Session 2 of 1857 (Commons).

† Parl. Rep. vol. li. p. 231.

‡ ii. 242. Compare Paley, iii. 3, 7 (Works, iv. 219).



sity is conclusively answered by the fact, that at no time since the Gospel came into England has divorce ever been accessible to any, except one very limited class of the community.

74. In giving utterance to these strong opinions with respect to the principle of divorce, to the practice of the legislature, and to the corrupt encouragements inseparable from either, it will not we trust be thought, that we impute either licentious or irreligious motives to those who from time to time have accepted what Parliament has unwisely offered them. It is not to be supposed that every individual can for himself examine critically the text of Scripture, and unfold the ponderous tomes of ancient lore, to trace the records of divorce. There is nothing in it, as we freely confess with Paley, that constitutes an offence against that law of universal nature which we have a right to consider as absolutely and unalterably binding on the whole community. Many an afflicted husband has, we doubt not, thought it his absolute duty to society to avail himself of what, if not the law, the legislature tendered to him, as the appointed mode of punishing a great moral and social offence. He may have braced himself to the decision amidst tears and prayers; it may have been to him not only as a stroke of vengeance or an effort for what is called freedom, but an act of heroic and stern self-sacrifice, offered on the altar of public justice.

75. The error has lain not with him, but with us all; with the Parliament that makes a practice of passing these Bills, with the country which has not disapproved the practice of the Parliament. Nay, it ascends still higher, and we must here especially beware of allowing strong and clear conviction on the merits of the argument

to draw us into sweeping censures ; because some writers of the Church have themselves yielded in this case, and a considerable part of Christendom has from a remote period been induced to admit that divorce under certain circumstances was allowable, and such divorce as might be followed by re-marriage.

76. (III.) But we must draw towards a close.

It is now proposed that we should, for the sake of meeting a proportion of miscarriages which is at present infinitesimally small, alter the conditions of every marriage contract throughout the kingdom, present as well as prospective, by opening it to contingencies of dissolution which did not exist when it was framed, and which may hereafter, by further onward steps, be greatly multiplied.

It is also proposed that we should change a law which, independently of its higher titles to our assent, is eminently definite and clear ; which permits the active obligations of marriage to pass into abeyance for a few well-defined and well-known causes ; and which never, for any consideration whatever, permits more. It is plain that great objections may be taken to the minor or ecclesiastical divorce ; but it appears to have some sanction from Scripture : \* it does not permit the void place to be filled up ; it holds out no corrupt inducement, for it offers only privation as the condition, and the safeguard, of relief ; above all, it establishes no unpardonable sin, no unalterable severance ; the way of penitence, the door of pardon, are still open ; and the angels of heaven, who rejoice over a returning offender, may let all their sympathies flow forth when Satan sees his wiles utterly defeated by the complete reinstatement, between two separated persons, of

\* 1 Cor. vii. 11.

the sacred harmony, the profound and matchless oneness, of Christian marriage.

77. In taking our leap from this well-defined position, we have a right to ask whether we are to land on *terra firma*, or in a quicksand? Is the change now proposed to be the first of an interminable series? Or if not, what are the qualities in it which, when it shall have been adopted, are to guarantee it against other changes? Is it Scripture, is it authority, or is it reason, on which we are to rely? As to the first, the measure neither stands, nor even proposes to stand, upon Scripture: its promoters use the Divine Word as a pick to disturb the solid fabric of the existing law, and then cast it aside. For the rights of the woman, as drawn from that sacred source, are either much less, or else infinitely greater, than those conceded by the Bill. With respect to reason, we recommend those who favour the measure to ask themselves what possible inducement, except the force of truth, could have led Gibbon, after reviewing the history of marriage and divorce at Rome, and, almost in the very page where he sneers at investing it with a religious character, to pronounce against its dissolution by divorce?

78. Again, let them read the statement of a man who, if ever any man, contemplated the subject in the dry light of pure utility. Paley observes that we cannot justly say that divorce is prohibited by the law of nature; assumes that our Lord permitted it in the single case of adultery; but gives his own judgment upon what the "greatest happiness of the greatest number" would require, in terms which seem to us to imply a rule absolutely without exception:—

"A lawgiver, whose counsels are directed by views of general

utility, and obstructed by no local impediment, would make the marriage contract indissoluble during the joint lives of the parties. . .

"Upon the whole, the power of divorce is evidently and greatly to the disadvantage of the woman; and the only question appears to be, whether the real and permanent happiness of one-half of the species should be surrendered to the caprice and voluptuousness of the other."\*

79. A testimony not less remarkable than any of these is that rendered by Hume, who, in his Nineteenth Essay, establishes his conclusions against Divorce, without any exception whatever.

Once more, let them listen to the judgment of Lord Stowell, when, in the name of humanity, he was urged to separate a couple who were living together unhappily:—

"The general happiness of the married life is secured by its indissolubility. When people understand that they must live together, except for a very few reasons known to the law, they learn to soften, by mutual accommodation, that yoke which they know they cannot shake off; they become good husbands and good wives from the necessity of remaining husbands and wives; for necessity is a powerful master in teaching the duties it imposes."†

80. Again, as respects authority: this not inconsiderable power wholly refuses its shelter to the Bill. We do not follow Christian antiquity, we do not follow Roman Imperial law—indeed this would be difficult, from its many fluctuations: we are not to follow the Eastern Church, nor the Church of Rome, nor the foreign Reformers, among whom Bucer went the lengths of Milton, and has accordingly been translated by him, with abridgment:‡ we are not to follow the *Reformatio Legum*; we are not even to conform to the Scottish law, which

\* Paley, Mor. Phil. iii. 3, 7.

† Sir W. Scott, Tibbs, p. 231.

‡ 'The Judgment of Martin Bucer' (Works, i. 240).

permits divorce for adultery at the suit of the wife, as well as of the husband.\* The Bill contemplates a system which has been selected by a purely arbitrary choice, and is by no means better provided with defences for what of restraint it retains, than with reasons for condemning what it abolishes. It is as severely hit by the unanswerable protests of Lord Lyndhurst, as it can be by the powerful eloquence of the Bishop of Oxford, the research of Mr. Keble, or the facts of Van Gerlach. Doubtless its authors have done their best: but the state of the case appears to be this, that, when once the clear ground of indissolubility has been abandoned, there are scanty means, from the very nature of the case, for drawing sharp lines of demarcation between one system and another.

81. If one such line could be drawn anywhere, it would be drawn to separate the case of adultery, or the joint cases of adultery and desertion, from every other case. But neither of these is done by the Bill: it does not recognise the principle of desertion, which can be not less plausibly sustained, as a ground of divorce, from Scripture, than that of adultery; nor does it give effect to its own rule when it forbids the suit of the woman. And in truth, though the case of adultery is different from every other, we demur entirely to the doctrine of those who say, that it differs by being stronger than any other. We earnestly wish that those, who think themselves secure in adopting generally the rule of no divorce *except* for adultery, would consider the arguments of Milton on the equal or greater virulence of other offences against the contract. Nor would they do ill, supposing

\* Morgan Davies, ii. 344; Q. R. xlix. 237.

that they really wish to learn the extent of the dangers they are provoking, to read 'Observations on the Marriage Laws, particularly with reference to the case of Desertion;\*' and even the 'Thelyphthora, or Defence of Polygamy,' by Mr. Madan, which charges the whole chapter of sins and miseries connected with the relation of man and woman, to the account of marriage, except when mitigated in its strictness by polygamy and divorce.

82. Man, restless under suffering, is apathetic enough as to ascertaining the source of the blessings he enjoys, or paying the debt of gratitude he owes in their behalf. And now we do not seem to know by what great Providence of God—by what vigilance, labour, and courage of men—the institution of marriage has been wrought up, in this fallen and disordered world, to the state of strictness in which we see it, and which renders it the most potent instrument by far, among all laws and institutions, both in mitigating the principle of personal selfishness, and in sustaining and consolidating the fabric of society. When we allow ourselves to speak lightly about vindicating rights and liberties, we forget that beyond all things else marriage derives its essential and specific character from restraint: restraint from the choice of more than a single wife; restraint from choosing her among near relatives by blood or affinity; restraint from the carnal use of woman in any relation inferior to marriage; restraint from forming any temporary, or any other than a life-long, contract.

83. By the prohibition of polygamy, the great institution of marriage concentrates the affection, which its first tendency is to diffuse; by the prohibition of incest, it secures the union of families as well as individuals,

and keeps the scenes of dawning life and early intimacy free from the smallest taint of appetite; by the prohibition of concubinage, it guards the dignity of woman and chastens whatever might be dangerous as a temptation in marriage, through the weight of domestic cares and responsibilities; by the prohibition of divorce, above all, it makes the conjugal union not a mere indulgence of taste and provision for enjoyment, but a powerful instrument of discipline and self-subjugation, worthy to take rank in that subtle and wonderful system of appointed means, by which the life of man on earth becomes his school for heaven. But whence came all this elaborate apparatus? It has been Christianity alone, which has been able to restore to us the primitive treasure of mankind, and even to enlarge that treasure.

84. Let it not for a moment be supposed that, when we have set at nought the Christian sanctions, we can look into what we call the law of nature as into a dictionary, which will yield to us, when asked, a certain, and clear, and safe response. The law of nature, that is, its perpetual and universal law, does not, as we know, prohibit much that we now justly repel as incest. The law of nature does not prohibit polygamy or concubinage, or they would not have been permitted to the patriarchs. The law of nature fixes no particular limit to divorce; and we may be travelling towards the time when it will be demanded and obtained for many causes, none of which are forbidden by the law of nature: for sterility; for sensual offences other than adultery; for attempts on life, and other cruelty and violence; for crime; for lengthened absence; for lunacy and idiocy; for contagious or incurable disease: lastly, for that which Scripture seems to place first, for change of religion. We might even add

to the dismal catalogue. If we desire to shut up these sources of progressive innovation, it is not the law of nature which will stand us in stead. The truth is, that our conception of the law of nature itself is, in the main, formed by Christian traditions, habits, and ideas; and that, as we unbind and let down our standard of Christian law, our standard of the natural law will spontaneously sink in proportion.

85. We shall conclude by the brief mention of two other points. One of them is the momentous character of this change, as it regards woman. One of the noblest social achievements of the Gospel has been to elevate the "ministering angel" of the world to a position of perfect equality with a man, in all that relates to the essential prerogatives of personal and spiritual being. It is the most splendid example, without exception, which history affords of the triumph on a large scale of the law of right over the law of force, and of the law of love over the law of lust. This equality, which the piercing sagacity of Aristotle could not discern, nor the ethereal imagination of Plato conceive, is now the simplest elementary conception of every Christian child; for our nurseries know no distinction between the reverence due to the one parent and to the other. Many and many a long century did it take to work out this great result; and those who reproach the English law of marriage with its having subsisted under papal guardianship, should remember that the same period, and the same tract of Christendom, which brought it down in safety, delivered to us along with it that precious legacy of customs and ideas, which has established woman upon the very highest levels of our moral and spiritual existence, for man's benefit no less than for her own,



86. We earnestly protest against a measure, by means of which she is for the first time to be branded by our Statute Book with a revived inequality. We are not careful to weigh the differences in the moral guilt and degradation of adultery, as between man and woman, because they are differences of degree, not principle; of shade, not essence; for the essential heinousness of carnal sin consists, ~~for~~ man and for woman alike, in the profanation it offers to that Lord, into whose Body they are both incorporated by the provisions of the Christian covenant. But this measure, which divorces the woman for adultery, and refuses to divorce the man unless he has added to the adultery certain other acts of very peculiar contumely or cruelty, while it in the first place exempts from punishment at least nineteen twentieths, we might perhaps more correctly say ninety-nine hundredths, of all the adulteries that are committed in England; in the second place too plainly shows, at least in germ, that, while woman in marriage is a servant, the service is not reciprocal; that what is to be punished in man is not the violation of contract with an equal, but is rather the ill-usage of a dependent; savouring by far too much of that saying of Milton, of whose system we are now adopting the first instalment, that marriage was made indeed for man, but woman was made for marriage.\*

87. Our last word shall be for the Church, for the reverence due to the religion she teaches, and for the justice and consideration that ought to be paid to the clergy she employs. She has hitherto had in the hands of her officers the general discipline of divorce; and she administers, with the full authority of Parliament, the

\* Tetrachordon, Works, i. 282.

sacred rite of marriage in terms which, with the utmost solemnity, stamp it as an engagement for life. By law she can marry no persons except such as shall absolutely and unconditionally promise to be man and wife "so long as they both shall live," and "until death them do part." It is not a little remarkable that the terms of this contract became at the Reformation even more stringent than they had been, for before it they were "till death us depart, if holy Church it will ordain."\*

88. With what propriety or decency can it be exacted † of the clergy that they shall forget this compact, which in its terms is absolute, and which by Holy Scripture, and by the law of the Church following Holy Scripture, is for life, and shall re-marry, in virtue of the sentence of a civil court, those who are married already by a sacred rite done and never undone? Only last year the clergy were released by Parliament from a difficulty of a far inferior order; for, being bound by a mere rubrical direction of the Office to marry only upon banns or licence, they were carefully exempted from any compulsion to marry upon the certificate of a registrar. The legislation now threatened will be, we do not hesitate to say, an intolerable burden upon conscience; and it will in our opinion strike a blow at the time-honoured union between Church and State heavier than any which it has yet received. Nor is it less an insult to our religion—supposing for a moment that it were worked not by men but by steam, or by water-power like

\* Maskell's 'Occasional Offices,' p. 46; and 'Ancient Liturgies,' Preface, p. clv.

† [The Bill in its progress underwent a modification in this respect, which narrowed and abated these particular objections; but did not do more.—W. E. G., 1878.]

the prayer-mill in Thibet—that we should pretend to efface, by a merely civil process, a rite which that religion consecrates as “a great mystery of the Gospel.”

89. A time may come, when society cannot bear the strictness of the Christian law, and will reject the drill, that is necessary to make the soldier. It will then doubtless largely fall back upon that lower conception of marriage, which treats it as a purely civil contract between individuals. It may be said that that time has already come, in a country like England: where, according to the last returns, out of one hundred and sixty thousand marriages, seven thousand six hundred, a number relatively small but absolutely considerable, were celebrated by the Registrar, and therefore with no special religious authority. We are far from saying that the law offends by permitting such marriages as these to persons whose consciences do not enable them to enter into marriage by the way properly Christian. So, then, if there must be re-marriage, let that too be the Registrar's privilege. The day, when marriage is made dissoluble by law in England, will at best be noted in our Calendar with charcoal, not with chalk. But if we are not strong enough to hold the lower portion of society up to Christianity, let us not be mad enough to drag the very rites of Christianity down to the lowered and lowering level of society. Let the salt of the earth still keep its savour, and the darkness of the body be illumined, as far as it may, by the eye that still wakes within it.\*

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\* [I record with regret, after twenty-one years, my conviction that the general soundness of these arguments and anticipations has been too sadly illustrated by the mischievous effect of the measure on the conjugal morality of the country.—W. E. G., 1878.]

### III.

## THE CHURCH OF ENGLAND AND RITUALISM.\*

ἡμέραι δ' ἐπίλοιποι  
μάρτυρες σοφώτατοι.

PINDAR.

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#### ADVERTISEMENT.

To this reprint of two articles from the *Contemporary Review*, on subjects which have much disturbed the Church of England, I prefix an observation on a single point, that of attaching doctrinal significance to external usages.

I have nowhere questioned that there are outward usages, which may and must be of doctrinal significance. My proposition is simply this; that, where external usages have become subjects of contention, and that contention is carried to issue in courts of law, the field should not be unnecessarily widened; and the usage should not be interpreted for judicial purposes with reference to this or that particular dogma, so long, but of course only so long, as it naturally and unconstrainedly bears (p. 145) some sense not entailing such a consequence.

Within the last few weeks has been withdrawn from

\* [First reprinted, with revision, in 1875, from the *Contemporary Review* of October 1874 and of July 1875. Now reprinted anew.]

amongst us by Death, in the maturity of his years and honour, the venerated Dean Hook, the greatest parish priest of his age. I believe he had taken his part, in a decided and public manner, against the prohibition of the eastward position of the consecrator in the celebration of the Lord's Supper. I am glad to have an opportunity of showing, as I think conclusively, how little it was in his mind hereby to exclude the laity from their full participation in the solemn act, by citing a passage from a private letter which he addressed to a young clergyman in 1842, when questions of outward usage were debated among us with what all *now see* to have been a needless heat and violence. "I am afraid that many in their zeal for the Church forget Christ, and in maintaining the rights of the Clergy forget the rights of the laity; who are, as well as the Clergy, priests unto the Most High God, and who indeed have as large a portion of the Sacrifice of Prayer and Praise assigned to them in the Prayer Book as the Clergy."

I seek to show, by this extract, how innocent must have been, in the mind of this admirable man, the usage of the eastern position; and how unwise and unjust it would have been, in his case among others, to attach to it the "doctrinal significance" of an intention to exclude the laity from their share in the Eucharistic offering.

I believe it may be stated with confidence that there have been times, when the northward position has been recommended, with authority and learning, as being *more* adapted than the eastward one to give full effect to the teaching of the Sacrifice in the Lord's Supper.

The notes appended to this reprint are in brackets.

W. E. G.

12th November, 1875.

## (I.) RITUAL AND RITUALISM.

1. For some months past, and particularly during the closing weeks of the Session of Parliament, the word Ritualism has had, in a remarkable degree, possession of the public ear, and of the public mind. So much is clear. The road is not so easy, when we proceed to search for the exact meaning of the term. And yet the term itself is not in fault. It admits, at first sight, of an easy and unexceptionable definition. Ritualism surely means an undue disposition to ritual. Ritual itself is founded on the Apostolic precept, "Let all things be done decently and in order;" *εὐσχημόνως καὶ κατὰ τάξιν*, in right, graceful, or becoming figure, and by fore-ordered arrangement, 1 Cor. xiv. 40. The exterior modes of divine service are thus laid down as a distinct and proper subject for the consideration of Christians.

2. But the word Ritualism passes, in the public mind, for something more specific in terms, and also for something more variable, if not more vague, in character. In a more specific form it signifies such a kind and such a manner of undue disposition to ritual as indicate a design to alter at least the ceremonial of religion established in and by this nation, for the purpose of assimilating it to the Roman or Popish ceremonial; and, further, of introducing the Roman or Papal religion into this country, under the insidious form, and silent but steady suasion, of its ceremonial.

3. All this is intelligible enough; and, if we start with such a conception of Ritualism, we, as a people, ought to know what we think, say, and do about it. But there is another and a briefer account which may be given of it.

There is a definition purely subjective, but in practice more widely prevalent than any other. According to this definition, Ritualism is to each man that which, in matter of ritual, each man dislikes, and holds to be in excess. When the term is thus used, it becomes in the highest degree deceptive; for it covers, under an apparent unity, meanings as many as the ripples of the smiling sea; as the shades of antagonism to, or divergence from, the most overloaded Roman ceremonial. When the term is thus employed, sympathy flies, as if it were electricity, through the crowd; but it is sympathy based upon the sound and not upon the sense. Men thus impelled mischievously, but naturally, mistake the strength of their feeling for the strength of their argument. The heated mind resents the chill touch and relentless scrutiny of logic. There could be no advantage, especially at the present time, in approaching such a theme from this point of view.

4. But perhaps it may be allowable to make an endeavour to carry this subject for a few moments out of the polemical field into the domain of thought. I have but little faith in coercion applied to matter of opinion and feeling, let its titles be ever so clear. But a word spoken in quietness, and by way of appeal to the free judgment and reason of men, can rarely fail to be in season. I propose, accordingly, to consider what is the true measure and meaning of Ritual, in order thus to arrive at a clear conception of that vice in its use which is designated by the name of Ritualism.

5. Ritual, then, is the clothing which, in some form, and in some degree, men naturally and inevitably give to the performance of the public duties of religion. Beyond the religious sphere the phrase is never carried; but the

thing appears, and cannot but appear, under other names. In all the more solemn and stated public acts of man, we find employed that investiture of the acts themselves with an appropriate exterior, which is the essential idea of ritual. The subject-matter is different, but the principle is the same: it is the use and adaptation of the outward for the expression of the inward.

6. It may be asked, Why should there be any such adaptation? Why not leave things to take their course? Is not the inward enough, if it be genuine and pure? And may not the outward overlay and smother it? But human nature itself, with a thousand tongues, utters the reply. The marriage of the outward and the inward pervades the universe.

“They blended form with artful strife,  
The strength and harmony of life.”

And the life and teaching of Christ Himself are marked by a frequent employment of signs in which are laid the ground, and the foreshowing, both of Sacraments and of Ritual.

7. True indeed it is that the fire, meant to warm, may burn us; the light, meant to guide, may blind us; the food, meant to sustain, may poison us; but fire and light and food are not only useful, they are indispensable. And so it is with that universal and perpetual instinct of human nature which exacts of us, that the form given externally to our thoughts in word and act shall be one appropriate to their substance. Applied to the circle of civilised life, this principle, which gives us ritual in religion, gives us the ceremonial of Courts, the costume of Judges, the uniform of regiments, all the language of heraldry and symbol, all the hierarchy of rank and title;



and which, descending through all classes, presents itself in the badges and the bands of Foresters' and Shepherds' Clubs and Benefit Societies.

8. But if there be a marriage ordained by Providence, and pervading Nature of the outward and the inward, it is required in this, as in other marriages, that there be some harmony of disposition between the partners. In the perception of this harmony, a life-long observation has impressed me with the belief that we as a people are, as a rule, and apart from special training, singularly deficient. In the inward realms of thought and of imagination, the title of England to stand in the first rank of civilised nations need not be argued, for it is admitted. It would be equally idle to offer any special plea on its behalf in reference to all classes of developments purely external. The railway and the telegraph, the factory, the forge, and the mine; the highways beaten upon every ocean; the first place in the trade of the world, where population would give us but the fifth; a commercial marine equaling that of the whole of Continental Europe: these may be left to tell their own tale.

9. When we come to pure Art, we find ourselves beaten by great countries, and even, in one case at least, by small.\* But it is not of pure Art that I would now speak. It is of that vast and diversified region of human life and action, where a distinct purpose of utility is pursued, and where the instrument employed aspires at the same time to an outward form of beauty. Here lies the great mass and substance of the *Kunst-leben*—the Art-life, of a people. Its sphere is so large, that nothing except pure thought is of right excluded from it. As in the Italian language scarcely a word can be found which is not musical, so a

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\* Belgium.

music of the eye (I borrow the figure from Wordsworth) should pervade all visible production and construction whatever, whether of objects in themselves permanent, or of those where a temporary collocation only of the parts is in view.

10. This state of things was realised, to a great extent, in the Italian life of the middle ages. But its grand and normal example is to be sought in ancient Greece, where the spirit of Beauty was so profusely poured forth, that it seemed to fill the life and action of man as it fills the kingdoms of Nature: the one, like the other, was in its way a *Kosmos*. The elements of production, everything embodied under the hand or thought of man, fell spontaneously into beautiful form, like the glasses in a kaleidoscope. It was the gallant endeavour to give beauty as a matter of course, and in full harmony with purpose, to all that he manufactured and sold, which has made the name of Wedgwood now, and I trust for ever, famous. The Greeks, at least the Attic Greeks, were, so to speak, a people of Wedgwoods. Most objects, among those which we produce, we calmly and without a sigh surrender to Ugliness, as if we were coolly passing our children through the fire to Moloch. But in Athens, as we know from the numberless relics of Greek art and industry in every form, the production of anything ugly would have startled men by its strangeness, as much as it would have vexed them by its deformity; and a deviation from the law of Taste, the faculty by which Beauty is discerned, would have been treated simply as a deviation from the law of nature.

11. One and the same principle, it need hardly be observed, applies to material objects which are produced once for all, and to matters in which, though the parts may subsist before and after, the combination of them is

for the moment only. The law that governed the design of an amphora or a lamp, governed also the order of a spectacle, a procession, or a ceremonial. It was not the sacrifice of the inward meaning to the outward show: that method of proceeding was a glorious discovery reserved for the later, and especially for our own, time. Neither was it the sacrifice even of the outward to the inward. The Greek did not find it requisite: Nature had not imposed upon him such a necessity. It was the determination of their meeting-point; the expression of the harmony between the two.

12. It is in regard to the perception and observance of this law that the English, nay, the British people, ought probably to be placed last among the civilised nations of Europe. And if it be so, the first thing is to bring into existence and into activity a real consciousness of the defect. We need not, if it exist, set it down to natural and therefore incurable inaptitude. It is more probably due to the disproportionate application of our given store of faculties in other directions. To a great extent it may be true that for the worship of beauty we have substituted a successful pursuit of comfort. But are the two in conflict? And first of all, is the charge against us, as we are, a just one?

13. To make good imputations of any kind against ourselves is but an invidious office. It would be more agreeable to leave the trial to the impartial reflection and judgment of each man. But one of the features of the case is this, that so few among us have taken the pains to form, in such matters, even a habit of observation. And, again, there are certain cases of exception to the general rule. For example, take the instance of our rural habitations. I do not speak of their architecture, nor espe-

cially do I speak of our more pretentious dwellings. But the English garden is proverbial for beauty; and the English cottage garden stands almost alone in the world. Except where smoke, stench, and the havoc of manufacturing and mining operations have utterly deformed the blessed face of Nature, the English cottager commonly and spontaneously provides some little pasture for his eye by clothing his home in the beauty of shrubs and flowers. And even where he has been thus violently deprived of his life-long communion with Nature, or where his lot is cast in huge cities from which he scarcely ever escapes, he still resorts to potted flowers and to the song of caged birds for solace. This love of natural objects, which are scarcely ever without beauty or grace, ought to supply a basis on which to build all that is still wanting.

14. But I turn to another chapter. The ancient ecclesiastical architecture of this country indicates a more copiously diffused love and pursuit of beauty, and a richer faculty for its production, in connection with purpose, than is to be found in the churches of any other part of Christendom. Not that we possess in our cathedrals and greater edifices the most splendid of all examples. But the parish churches of England are as a whole unrivalled; and it has been the opinion of persons of the widest knowledge, that they might even challenge without fear the united parish churches of Europe, from their wealth of beauty in all the particulars of their own styles of architecture.

15. Still, it does not appear that these exceptions impair the force of the general proposition, which is that as a people we are, in the business of combining beauty with utility, singularly uninstructed, unaccomplished, maladroit, unhandy. If instances must be cited, they are not

far to seek. Consider the unrivalled ugliness of our towns in general. Or put Englishmen to march in a procession, and see how, instead of feeling instinctively the music and sympathy of motion, they will loll, and stroll, and straggle; it never occurs to them that there is beauty or solemnity in ordered movement, and that the instruction required is only that simple instruction which, without speech, Nature should herself supply to her pupils.

*"Quid facerent, ipsi nullo didicere magistro."*

16. Take again—sad as it is to strike for once at the softer portion of the species—the dress of Englishwomen, which, apart from rank and special gift or training or opportunity, is reputed to be the worst in the European world, and the most wanting alike in character and in adaptation. Take the degraded state, in point of beauty, at which all the arts of design, and all industrial production, had arrived among us some fifty years ago, in the iron age of George IV., and before the reaction which has redeemed many of them from disgrace, and raised some to real excellence.

17. But, indeed, in too many cases, our repentance is almost worse than our transgressions. When we begin to imbibe the conception that, after all, there is no reason why attempts should not be made to associate Beauty with usefulness, the manner of our attempts is too frequently open to the severest criticism. The so-called Beauty is administered in portentous doses of ornamentation sometimes running to actual deformity. Quantity is the measure, not quality, nor proportion. Who shall now compete with the awakened Englishwoman for the house of hair built upon her head, or for the measureless extension of her dragging train? Who shall be the rival of

some English architects plastering their work with an infinity of pretentious detail in order to screen from attention inharmonious dimension and poverty of lines?

18. Or—that I may without disguise direct the charge against the mind and spirit of the nation, embodied in its Parliament and its Government—what age or country can match the practical solecisms exhibited in the following facts and others like them? Forty years ago, we determined to erect the most extensive building of Pointed architecture in the world; namely, our Houses of Parliament, or, as they are called, the Palace of Westminster. We entrusted the work to our most eminent Italian architect. Once was pretty well; but once was not enough. So, twenty years ago, we determined to erect another vast building in the Italian style; namely, a pile of public offices, or, as some would call it, a Palace of Administration; and we committed the erection of it to our most experienced and famous architect in the Pointed species. Thus each man was selected for his unacquaintance with the genius of the method in which he was to work.

19. Who can wonder, in circumstances like these, that the spirit and soul of style are so often forgotten in its letter; that beauty itself unlearns itself, and degenerates into mere display; that for the attainment of a given end, not economy of means, but profusion of means, becomes our law and our boast; that, in the Houses of Parliament, dispersion of the essential parts over the widest possible space marks a building where the closest concentration should have been the rule; and that the Foreign Office, which is a workshop, exhibits a Staircase which no palace of the Sovereign can match in its dimensions?

If from the work of creation we turn to the world of

action, the same incapacity of detecting discord, and the same tendency to solecism will appear. In what country except ours could (as I know to have happened) a parish hall have been got up in order to supply funds for procuring a parish hearse?

20. I shall not admit that, in these remarks, I have gone astray from the title and subject of the paper. What is Ritualism? "It is unwise, undisciplined reaction from poverty, from coldness, from barrenness, from nakedness; it is overlaying Purpose with adventitious and obstructive incumbrance; it is departure from measure and from harmony in the annexation of appearance to substance, of the outward to the inward; it is the caricature of the Beautiful; it is the conversion of helps into hindrances; it is the attempted substitution of the secondary for the primary aim, and the real failure and paralysis of both. A great deal of our architecture, a great share of our industrial production has been or is, it may be feared, very Ritualistic indeed.

21. Let us now trace the operation of the same principle in the subject-matter of religion. We encounter the same defects, the same difficulties, the same excesses; the same want of trained habits of observation; the same forgetfulness of proportion; the same danger of burying it under a mass of ornament.

22. It must be admitted that the state of things, from which the thing popularly known as Ritualism took historically its point of departure, was dishonouring to Christianity, disgraceful to the nation; disgraceful most of all to that much-vaunted religious sentiment of the English public, which in impenetrable somnolence endured it, and resented all interference with it. Nakedness enough there was, fifty and forty years ago, of divine service and

of religious edifices, among the Presbyterians of Scotland, and among the Nonconformists of England. But, among these, the outward fault was to a great extent redeemed by the cardinal virtues of earnestness and fervour. The prayer of the minister was at least listened to with a pious attention, and the noblest of all the sounds that can reach the human ear was usually heard in the massive swell, and solemn fall, of the united voices of the congregations.

23. But within the ordinary English Parish Church of town or country, there was no such redeeming feature in the action of the living, though the inanimate treasure of the Prayer Book yet remained. Its warmth was stored, like the material of fire in our coal-seams, for better days. It was still the surviving bed or mould, in which higher forms of religious thought and feeling were some day to be cast. But the actual state of things, as to worship, was bad beyond all parallel known to me in experience or reading. Taking together the expulsion of the poor and labouring classes (especially from the town churches), the mutilations and blockages of the fabrics, the baldness of the service, the elaborate horrors of the so-called music, with the jargon of parts contrived to exhibit the powers of every village roarer, and to prevent all congregational singing; and above all, the coldness and indifference of the lounging or sleeping congregations, our services were probably without a parallel in the world for their debasement. As they would have shocked a Brahmin or a Buddhist, so they hardly could have been endured in this country had not the faculty of taste, and the perception of the seemly or unseemly, been as dead as the spirit of devotion.

24. There were exceptions, and the exceptions were



beginning slowly to grow in number: but I speak of the general state of things, such as I can myself recollect it. In some places the older traditions and spirit of the Church had survived all the paralysing influences of the first Hanoverian generations; in others they were commended to the people by the lofty spirit, and English pluck, of men like Dr. Hook; in many cathedrals, with stateliness, a remnant of true dignity was preserved. In a third class of cases the clergy known as Evangelical had infused into their congregations a reverent sense of the purpose for which they met together. For this and for other services these Evangelical clergymen were pointed at with the finger of scorn by men of the very same stamp, as those who are now most fervid in denouncing the opposite section. And it was for reasons not very different; both were open to the charge that they did not thoroughly conform to the prescriptions of the Prayer Book; both were apt to slide into the attitude and feeling of a clique; both rather abounded in self-confidence, and were viewed askance by authority; both, it must be added, were zealous, and felt, or held, to be troublesome.

25. But of the general tone of the services in the Church of England at that time I do not hesitate to say, it was such as when carefully considered would have shocked not only an earnest Christian of whatever communion, but any sincere believer in God; any one who held that there was a Creator and Governor of the world, and that His creatures ought to worship Him. And that which I wish to press upon the mind of the reader is, that this state of things was one with which the members of the Church generally were quite content. It was not by lay associations with long purses that the people were with difficulty and with much resistance awakened out

of this state of things. It was by the reforming Bishops and Clergy of the Church of England. And, though the main source of the evil without doubt lay deeper, such an amount of effort could hardly have been needed, had the faculties and life of Art been more widely diffused in the country.

26. Had we, as a people, been possessed in reasonable measure of that sense of harmony between the inward and the outward, of which I have been lamenting the weakness, it could not indeed have supplied the place of a fervent religious life; but Divine worship, the great public symbol and pledge of that life, never could have fallen so low among us. 'And I think it has been in some measure from the same defect that, during the exterior revivals of the last forty years, there has been so much misapprehension and miscarriage, so much dissatisfaction and disturbance. More than thirty years have passed since agitation in London, and riot in Exeter, were resorted to for the purpose, as was conscientiously believed, of preserving the purity of the Reformed Religion against the use of the surplice in the pulpit, and of the Prayer for the Church Militant. In vain the Bishops and the clergy concerned made their protests, and averred that they were advising, or acting in simple "obedience to the law." The appeal to that watchword, now so sacred, was utterly unavailing: Popery, and nothing less than Popery, it was insisted, must be the meaning of these changes.

27. To me it appeared at the time that their introduction, however legal, was, if not effected with the full and intelligent concurrence of the flocks, decidedly unwise. But as to these particular usages themselves, I held then, and hold now, that their tendency, when calmly viewed,

must have been seen to be rather Protestant than Popish; that Popery would have led to the use of a different and lower garb in preaching, not to the use of the same vestment which was also to be used for the celebration of the Eucharist; and that no prayer in the Prayer Book bears so visibly the mark of the Reformation, as the Prayer for the Church Militant. Be that as it may, I recollect with pain a particular case, which may serve as a sample of the feeling, and the occurrences, of that day. An able and devoted young clergyman had accepted the charge of a new district parish in one of our largest towns, with trifling emoluments, and with large masses of neglected poor, whom he had begun steadily and successfully to gather in.\* Within a year or two an agitation was raised, not in his parish, but in the town at large; it had grown too hot to hold him; and he was morally compelled to retire from his benefice and from the place, for the offences of having preached the morning sermon in the surplice, read the Prayer for the Church Militant, and opened his church for Divine service, not daily, but on all Festivals.

28. The inference to be drawn from this is not an inference of self-laudation: not the *ἡμεῖς τοι πατέρων μέγ' ἀμείνορες εὐχόμεθ' εἶναι*† but an inference in behalf of a little self-mistrust, and a great deal of deliberation and circumspection in these important matters. For, from a view of the modes which have become usual for the celebration of Divine service, in average churches not saddled with a party name, there appears this rather startling fact, that the congregations of the Church of England in general now practise without suspicion, and

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\* [The town was Liverpool; the church that of St. Thomas, Toxteth; the clergyman, the Rev. Mr. Wilson.—W. E. G., 1878.]

† Il. iv. 405.

the Parliament, representing the general feeling out of doors, is disposed to enforce, by the establishment of more stringent procedure, what thirty years ago was denounced, and rather more than denounced, as Ritualism.

29. The truth is, that, in the word Ritualism, there is involved much more than the popular mind seems to suppose. The present movement in favour of ritual is not confined to ritualists, neither is it confined even to Churchmen. It has been, when all things are considered, quite as remarkable among Nonconformists and Presbyterians; not because they have as much of it, but because they formerly had none, and because their system appeared to have been devised and adjusted in order to prevent its introduction, and to fix upon it even *in limine* the aspect of a flagrant departure from first principles. Crosses on the outside of chapels; organs within them; rich pointed architecture; that flagrant piece of symbolism, the steeple; windows filled with subjects in stained glass; elaborate chanting; the use of the Lord's prayer, which is no more than the thin end of the wedge that is to introduce fixed forms; and the partial movements in favour of such forms already developed; these are among the signs which, taken all together, form a group of phenomena evidently referable to some cause far more deep and wide-working than mere servile imitation, or the fashion of the day. In the case of the organ, be it recollected that many who form part of the *crème de la crème* of Protestantism have now begun to use that which the Pope, adhering in this respect to primitive usage, does not hear in his own Chapel or his sublime Basilica, and which the entire Eastern Church has ever shrunk from employing in its services.

30. With this I will mention a familiar matter, though it may provoke a smile. It is the matter of clerical costume;

on which I will not scruple to say that, in my judgment, the party of costume is right. A costume for the clergy is as much connected with discipline and self-respect, as an uniform for the army; and is no small guarantee for conduct. The disuse of clerical costume was a recent innovation; but thirty-five or forty years ago the abuse had become almost universal. It was consummated by the change in lay fashions—a very singular one—to a nearly exclusive use by men of black. The reaction began in the cut of the waistcoat, which, as worn by the innovators, was buttoned all the way up to the cravat. This was deemed so distinctly Popish, that it acquired the nickname of “The Mark of the Beast”; and it is a fact that, among the tailors of the west-end of London, this shape of waistcoat was familiarly known as “the M. B. waistcoat.” Any one who will now take the pains to notice the dress of the regular Presbyterian or Dissenting minister will, I think, find that, in a great majority of instances, he too, when in his best, wears, like the clergyman, the M. B. waistcoat.

31. True, the distance between these Presbyterian and Nonconforming services, and those of the Church of England, in point of ritual, remains as great, or perhaps greater, than before; but that is because one and the same forward movement has taken possession of both, only the speeds may have been different. I will give a case in point. Five-and-thirty years ago hardly any one had dreamt of a surpliced choir in a parish church. When such an use came in, it was thought to be like a sign of the double superlative in High Churchmanship, and was deemed the most violent experiment yet made upon the patience of the laity. How stands the matter now? As the purity of Welsh Protestantism is well known, I will take an instance from Wales. In a Welsh town, of no

great size, the clergyman of the parish was moved, not long ago, to introduce the surplice for his choir. He determined upon a *plébiscite*; and placed printed slips of paper about the seats, requesting a written aye or no. Near two hundred and fifty answers were given: and of the answers more than four-fifths were ayes.\* In truth, there is a kind of ritual race; all have set their faces the same way, and none like to have their relative backwardness enhanced, while the absolute standing-point is continually moved forward.

32. This is matter of fact, and of the very widest reach, compassing a field of which but a little corner was covered by the recent Act of Parliament; and now the question rises to the lip, Ought this matter of fact, which will scarcely be disputed, to be viewed with satisfaction or with displeasure?

In my opinion this is a question extremely difficult to answer; and I will not affect to be able to give it a complete reply. It seems to me that ritual is, in what amount I do not attempt now to inquire, a legitimate accompaniment, nay, effect, of the religious life; but I view with mistrust and jealousy all tendency, wherever shown, either to employ ritual as its substitute, or to treat ritual as its producing cause. All, however, that I have thus far endeavoured to insinuate is, that the subject is a very large one—that it cannot be dealt with offhand—that it is exceedingly significant and pregnant in the manifestations it supplies. If we do not live in one of the great thinking ages, we live in an age which supplies abundant materials of thought; and with the many problems, which we shall

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\* [Another case almost exactly similar has recently been reported in the newspapers at East Harborne, near Birmingham.]

leave to our children for solution, we may hand down to them the cordial wish that they may make more profitable use of these materials than we have done.

33. If we survey the Christian world, we shall have occasion to observe that ritual does not bear an unvarying relation to doctrine. The most notable proof of this assertion is to be found in the Lutheran communion. It is strongly and, except where opinion has deviated in the direction of rationalism, uniformly Protestant. But in portions of the considerable area over which it stretches, as for example in Denmark, in Sweden and Norway, even on the inhospitable shores of Iceland, altars, vestments, lights (if not even incense) are retained: the clergyman is called the priest, and the Communion Office is termed the Mass. But there is no distinction of doctrine whatever between Swedish or Danish, and German Lutherans: nor, according to the best authorities, has the chain of the Episcopal succession been maintained in those countries. Even in this country, there are some of those clergy who are called Broadchurchmen, nay some who have a marked indifference to doctrine, and what might almost be called a hatred of dogma, yet who also are inclined to musical ornament, and other paraphernalia of Divine service.

34. From these facts, as well as from the growing ritual of the non-Episcopal Christians of this country, we may perceive that the unqualified breadth with which the argument has been drawn from ritual to doctrine in our discussions has evinced something of that precipitancy to which, from the narrow and insular character of his knowledge, as well as from the vigour of his will, the Englishman is particularly liable. Here also, from that deficiency which I have noted in the faculty of adapting the outward to the inward, he is apt to blunder into con-

founding what is only appropriate and seemly with what partakes of excess or invidious meaning. At the same time, an important connection between high doctrine and high ritual is to be traced to a considerable extent in the Church of England, and in commenting on over-statement I do not seek to understate. This connection is, however, for the present hopelessly mixed with polemical considerations, and therefore excluded from the field of these remarks.

35. But there is a question, which it is the special purpose of this paper to suggest for consideration by my fellow-Christians generally, which is more practical and of greater importance, as it seems, to me, and has far stronger claims on the attention of the nation and of the rulers of the Church, than the question whether a handful of the clergy are or not engaged in an utterly hopeless and visionary effort to Romanise the Church and people of England. At no time since the sanguinary reign of Mary has such a scheme been possible. But if it had been possible in the seventeenth or eighteenth centuries, it would still have become impossible in the nineteenth; when Rome has substituted for the proud boast of *semper eadem* a policy of violence and change in faith; when she has refurbished and paraded anew every rusty tool she was fondly thought to have disused; when no one can become her convert without renouncing his moral and mental freedom, and placing his civil loyalty and duty at the mercy of another;\* and when she has equally

\* [Without receding from the opinion given in the text, I nevertheless believe, as well as hope, that some, at least, who have joined the Latin Church since the great change effected by the Vatican Council, would upon occasion given, whether with logical warrant or not, adhere under all circumstances to their civil loyalty and duty.—W. E. G., 1878.]



repudiated modern thought and ancient history. I cannot persuade myself to feel alarm as to the final issue of her crusades in England, and this although I do not undervalue her great powers of mischief by persevering proselytism.

36. But there are questions of our own religious well-being that lie nearer home. And one of them is whether, as individuals, we can justly and truly say that the present movement in favour of ritual is a healthy movement for each of us; that is whether it gives or does not give us assistance in offering a more collected act of worship, when we enter the temple of the Most High, and think we go there to offer before Him the sacrifice of praise and prayer, and thanksgiving? Of one thing we may be quite certain, and it is this. To accumulate observances of ritual is to accumulate responsibility. It is the adoption of a higher standard of religious profession; and it requires a higher standard of religious practice. If we study, by appropriate or by rich embellishment, to make the Church more like the ideal of the House of God, and the services in it more impressive, by outward signs of His greatness and goodness, and of our littleness and meanness, all these are so many voices addressing us, voices audible and intelligible, though inarticulate; and to let them sound in our ears, unheeded, is an offence against His majesty. If we are not the better for more ritual, we are the worse for it. A general augmentation of ritual, such as we see on every side around us, if it be without any corresponding enhancement of devotion, means more light, but not more love.

37. Indeed, it is even conceivable, nay far from improbable, that augmentation of ritual may import not increase but even diminution of fervour. Such must be the result in every case where the imagery of the eye and

ear, actively multiplied, is allowed to draw off the energy, which ought to have its centre in the heart. There cannot be a doubt that the beauty of the edifice, the furniture, and the service, though their purpose be to carry the mind forward, may induce it to rest upon those objects themselves. Wherever the growth and progress of ritual, though that ritual be in itself suitable and proper, is accepted, whether consciously or unconsciously, and whether in whole or in part, by the individual, as standing in the stead of his own concentration and travail of spirit in devotion, there the ritual, though good in itself, becomes for him so much formality, that is so much deadness.

38. Now there are multitudes of people who will accede at once to this proposition, who will even hold it to be no more than a truism, but with a complacent conviction, in the background of their minds, that it does not touch their case at all. They may be Presbyterians or Nonconformists; or they may be Churchmen whose clergyman preaches against Popery open or concealed, or who have themselves subscribed liberally to prosecute the Rev. this, or the Rev. that, for Ritualism. No matter. They, and their clergyman too, may nevertheless be flagrant Ritualists. For the barest minimum of ritual may be a screen hiding from the worshipper the Object of his worship: nay, will be such a screen, unless the worshipper bestirs himself to use it as a help, and to see that it is not a snare.

39. In the class of cases supposed, the ready acquiescence of a few moments back has by this time probably been converted into a wondering scepticism. And there is at first sight something of paradox in the assertion that all ritual, not only elaborate but modest, not only copious

but scanty, has its dangers. It seems hard to preach suspicion and misgiving against what is generally approved or accepted by the most undeniable Protestants. But the very same person, who errs by making his own conscience in ritual a measure for the consciences of other men, lest they should run to excess, may be himself in surfeit while he dooms them to starve, for what is famine to them may be to him excess; what they can assimilate may be to him indigestible. It is difficult, I think, to fix a maximum of ritual for all times and persons, and to predicate that all beyond the line must be harmful; but it is impossible to fix a minimum, and then to say, up to that point we are safe. No ritual is too much, provided it is subsidiary to the inner work of worship; and all ritual is too much, unless it ministers to that purpose.

40. If there be paradox in this assertion, the explanation of it is not far to seek. It will be found in the removal of a prevailing and dangerous error in kindred subject-matter. It is too commonly assumed that, provided only we repair to our church or our chapel, as the case may be, the performance of the work of adoration is a thing which may be taken for granted. And so it is, in the absence of unequivocal signs to the contrary, as between man and man. But not as between the individual man and his own conscience in the hour of self-review. If he knows anything of himself, and unless he be a person of singularly favoured gifts, he will know that the work of Divine worship, so far from being a thing of course even among those who outwardly address themselves to its performance, is one of the most arduous which the human spirit can possibly set about.

41. The processes of simple self-knowledge are difficult enough. All these, when a man worships, should be fresh

in his consciousness : and this is the first indispensable condition for a right attitude of the soul before the foot-stool of the Eternal. The next is a frame of the affections adjusted on the one hand to this self-knowledge, and on the other to the attributes and the more nearly felt presence, of the Being before Whom we stand. And the third is the sustained mental effort necessary to complete the act, wherein every Christian is a priest ; to carry our whole selves, as it were with our own hands, into that nearer Presence, and, uniting the humble and unworthy *prophora* with the one full perfect and sufficient Sacrifice, to offer it upon the altar of the heart : putting aside every distraction of the outward sense, and endeavouring to complete the individual act as fully, as when in loneliness, after departing out of the flesh, we shall see eternal things no longer through, but without, a veil.

42. Now, considering how we live, and must live, our common life in and by the senses, how all sustained mental abstraction is an effort, how the exercise of sympathy itself, which is such a power in Christian worship, is also a kind of bond to the visible ; and then last of all, with what feebleness and fluctuation, not to say with what wayward duplicity, of intention we undertake the work, is it not too clear that in such a work we shall instinctively be too apt to remit our energies, and to slide unawares into mere perfunctory performance ? And where and in proportion as the service of the body is more careful, and the exterior decency and solemnity of the public assembling more unimpeachable, these things themselves may contribute to form important elements of that inward self-complacency which makes it so easy for us, whenever we ourselves are judge and jury as well as "prisoner at the bar," to obtain a verdict of acquittal.

43. In other words, the very things, which find their only sufficient warrant in their capacity and fitness to assist the work of inward worship, are particularly apt to be accepted by the individual himself as a substitute for inward worship, on account of that very capacity and fitness, of their inherent beauty and solemnity, of their peculiar and unworldly type. So that ritual, because it is full of uses, is also full of dangers. Though it is clear that men increase responsibility by augmenting it, they do not escape from danger by its diminution: nothing can make ritual safe except the strict observance of its purpose, namely, that it shall supply wings to the human soul in its callow efforts at upward flight. And such being the meaning of true ritual, the just measure of it is to be found in the degree in which it furnishes that assistance to the individual Christian.

44. The changes, then, in our modes of performing Divine service ought to be answers to the inward call of minds advancing and working upwards in the great work of inward devotion. But, when we see the extraordinary progress of ritual observance during the last generation, who is there that can be so sanguine as to suppose that there has been a corresponding growth of inward fervour, and of mental intelligence, in our general congregations? There is indeed a rule of simple decency to which, under all circumstances, we should strive to rise—for indecency in public worship is acted profanity, and is grossly irreligious in its effects. But, when the standard of decency has once been attained, ought not the further steps to be vigilantly watched, I do not say by law, but but by conscience?

45. There are influences at work among us, far from spiritual, which may work in the direction of formalism

through the medium of ritual. The vast amount of new-made wealth in the country does not indeed lead to a display as profuse in the embellishment of the house of God, as in our own mansions, equipages, or dresses. Yet the wealthy, as such, have a preference for churches and for services with a certain amount of ornament: and it is quite possible that no small part of what we call the improvements in fabrics and in worship may be due simply to the demand of the richer man for a more costly article, and thus may represent not the spiritual growth but the materialising tendencies of the age. Again, there is a wider diffusion of taste among the many, though the faculty itself may not, with the few, have gained a finer edge; and, with this, the sense of the incongruous, and the grotesque, cannot but make some way. Here is another agency, adapted to improving the face and form of our religious services, without that which, as I would contend, is the indispensable condition of all real and durable improvement; namely, a corresponding growth in the appreciation of the inward work of devotion.

46. But a third and very important cause, working in the same direction, has been this. The standard of life and of devotion has risen among the clergy far more generally, and doubtless also more rapidly, than among the laity. It is more than possible that, in many instances, their own enlarged and elevated conception of what Divine service ought to be in order to answer the genuine demands of their own inward life, may have induced them to raise it in their several churches beyond any real capacity of their congregations to appreciate and turn it to account.

47. Even in the theatres of our day, the spectacle

threatens to absorb the drama; and show, which should be the servant, to become the master. Much more is the danger real in the sanctuary, for the function of an audience is mainly passive, but that of a congregation is one of high and arduous, though unseen, activity.

48. But it is time to draw together the threads of this slight discourse upon a subject very far indeed from slight. Whatever may be said of the merits of authoritative and coercive repression in matters of ritual—and I am not very sanguine as to its effects—assuredly they never can dispense with the necessity, or perform the office, of the moral restraints of an awakened conscience. Some may be found to dispute the proposition that their gripe is hard, where a tender touch is needed; but who can question this at least, that they will reach but few, where many require a lesson? Attendance on religious services is governed among us to a great extent, especially in towns, and most of all in the metropolis, by fashion, taste, and liking: but no preference is really admissible in such a matter, except the strict answer of the conscious mind to the question, What degree and form of ritual is it that helps me, and what is it that hampers and impedes me, in the performance of the work for which all congregations of Christians assemble in their several churches?

49. If we consider the nature of Divine Service altogether at large, the presumption is against alteration, as such, in the manner of it. For the nature of God and the nature of man, and the relation of the one to the other, are constant; and in this solemn subject-matter, mere fashion, which is a principle of change questionable even in other departments, and which may be defined as change for its own sake, ought to have no place whatever. The varieties required by local circumstances or tempera-

ments can be no novelties, and will probably in the lapse of time have asserted themselves sufficiently in the subsisting arrangements.

50. But if we limit and regulate our consideration of the case by a careful reference to our own time and country, the presumption is much weakened, possibly in one sense even reversed. For we have been emerging from a period, in which the public worship of God had confessedly been reduced to a state of great external debasement. In this state of things, a Reformation was necessary. Happily, it came; and it surmounted the breakers and the floods of prejudice. There was therefore a presumption not against, but in favour of change of some kind. When, however, the further question was reached of what kind the change ought to be, it remained true that each particular change required to be examined on its own merits, and to make its own case.

51. The tests to be applied would, in language rather popular than exact, be such as the following questions might supply:—

*a.* Is the change legally binding? an inquiry, in which the element of desuetude cannot be absolutely excluded from the view of a clergyman or of his flock.

*b.* Is it in its own nature favourable to devout and intelligent adoration of God in the sanctuary?

*c.* Will it increase, or will it limit, the active participation of the flock in the service?

*d.* Is it conformable to the spirit of the Prayer Book?

*e.* Is it agreeable to the desires of this particular congregation?

*f.* Is it adapted to their religious and their mental condition; and likely to bring them nearer to God in the act of worship, or to keep them further from Him; to



collect or to disperse their thoughts, to warm or to freeze their affections ?

It seems to me that, as a general rule, an answer to all these questions should be ready before a change in ritual is adopted : and that, where law interposes no impediment, still, if any of them has to be answered in the negative, such changes can hardly be allowable.

52. Except in the single case where the standard of decency has not been reached, I am wholly at a loss to conceive any excuse for contravening the general sense of a congregation by optional changes in ritual. If the clergyman thinks the matter to be one of principle, should he not instruct them ? If he sees it to be one of taste and liking, should he not give way to them ? Should he not be the first to perceive and hold that unsettlement in matters of religion is in itself no small evil : and to reflect that, by making precipitately some change which he approves, he may prepare the way and establish the precedent for a like precipitancy in other changes which he does not approve ? Especially, what case can there be (except that of decency, and such a case can hardly be probable) in which he will be justified in repelling and dispersing his congregation for the sake of his service ?

53. Doubtless it is conceivable, that Divine Service may be rendered by careful ritual more suitable to the dignity of its purpose. But let us take, on the other hand, a church where a ritual thus improved has been forced upon a congregation to whom its provisions were like an unknown tongue, and whom it has therefore banished from the walls of the sanctuary. Is it conceivable that such a spectacle can be a pleasing one in the sight of the Most High ? Did Christianity itself come

down into the world in abstract perfection and in full development? or was it not rather opened on the world with nice regard to the contracted pupil of the human eye, which it was gradually to enlarge, unfolding itself from day to day, in successive lessons of doctrine and event, here a little and there a little? The jewels in the crown of the Bride are the flocks within the walls of the temple; and men ever so hard of hearing are better than an empty bench.

54. I will, however, presume to express a favourable inclination towards one class of usages, with a corresponding aversion to their opposites. I heartily appreciate whatever, within the limits of the Prayer Book, tends to augment the active participation of the laity in the services: as, for example, their joining audibly in the recital of the General Thanksgiving; or the aid they may give the clergyman (often so valuable even in a physical point of view) by reading the Lessons.\*

55. Again, if ritual be on the increase among us, ought it not to receive at once its complement and (in one sense) its counterpoise, in a greater care, fervency, and power, of preaching? Nothing, in my opinion, is of more equivocal tendency than high ritual with a low appreciation of Christian doctrine. But if there be high ritual and sound doctrine too, these will not excuse inadequate appreciation or use of the power of the pulpit.

\* [I notice with pleasure that this practice has not yet suffered the blight of association with party. Again; it is observed truly that there is no pointing of the clauses in the General Thanksgiving, as there is in the General Confession. But the epithet General, used in both cases, appears to suggest like practice in each; though I admit it may also mean a thanksgiving for blessings generally, as distinguished from particular blessings. Without presuming to give an opinion, I may be allowed to hope the practice is not illegal.]

If ritual does its work in raising the temper of devotion, it is a preparation for corresponding elevation in the work of the preacher: and if the preacher is able to warm, to interest, and to edify his hearers, then he improves their means of profiting by ritual, and arms them against its dangers.

56. But if self-will and want of consideration for others have been, and, in a diminished degree, are still, a snare to the clergy, have not we of the laity the same infirmities with far less excuse? Is it not strange to see with what tenacity many a one of us will, when he casually attends a church other than his usual one, adhere to some usage or non-usage perfectly indifferent, but with the effect either of giving positive scandal or of exciting notice, that is, of distracting those around him from their proper work? How is this like the Apostle's rule, who was all things to all men? Or have we found out that the rules of Scripture were made, as well as the discipline of the Church, for the clergy alone? But even if it be the layman's privilege at once to rule the Church and to disobey it at his will, how is it that he does not respect the feelings of other laymen by decently conforming in all matters indifferent to the usages of the congregation to which he has chosen for the nonce to attach himself?

57. It is much to be feared that when the clergyman has unlearned his own unreasonableness, he may still have to endure much from the unreasonableness of some handful of units among his flock. But if he be indeed worthy of his exalted office, he will see in the first place how little charity to the recalcitrant there will be in forcing on them even improvements which to them can only be stumbling-blocks. Next, if he put on the armour of patience and of love, he will soon become aware of its

winning efficacy. Lastly, there is an expedient which is in his own hands, and to which he cannot be prevented from resorting. Those defective perceptions of the outward manner of things, which I take to be national, must often make their mark on the clergy as well as on us of the laity. I remember long ago hearing a clergyman (who left the Church of England a few days later) complain of a want of reverence in his choir boys, with a demeanour, though it was in his beautiful church, fit for a tavern.

58. The first, and last, and most effective article of ritual is deep reverence in the clergyman himself. Nothing can supply its place; and it will go far to supply the place of everything. It abhors affectation; and it does not consist in bowings and genuflexions, or in any definite acts: *nequo monstrare, et sentio tantum*. The reason why this reverence is the most precious part of ritual, is because ritual in general consists *ex vi termini* in symbol; but reverence means, together with a sign, a thing signified. It lives and moves and has its being in a profound sense of the Divine presence, expressing itself through a suitable outward demeanour. But if the demeanour be without the sentiment, it is not reverence, it is only the husk and shell of reverence.

59. The clergyman is necessarily the central point of his congregation. Their reverence cannot rise above his; and their reverence will if insensibly yet continually approach his. If this be the key-note of the service, questions of ritual will adjust themselves in harmony with it. And one reason why the point may be more safely pressed is, because reverence need not be the property or characteristic of any school in particular. It distinguished the Margaret Chapel of forty years ago,

when the pastors of that church were termed Evangelical. It subsisted in that same chapel thirty years ago, when Mr. Oakley (now, alas! ours no more) and Mr. Upton Richards gave to its very simple services, such as would now scarcely satisfy an average congregation, and where the fabric was little less than hideous, that true solemnity which is in perfect concord with simplicity. The Papal Church now enjoys the advantages of the labours of Mr. Oakley; who united to a fine musical taste, a much finer and much rarer gift, in discerning and expressing the harmony between the inward purposes of Christian worship and its outward investiture, and who then had gathered round him a congregation the most devout and hearty that I (for one) have ever seen in any communion of the Christian world.

60. And now, for my last word, I will appeal to high authority.

In the fourteenth chapter of Saint Paul's First Epistle to the Corinthians may be found, what I would call the code of the New Testament upon ritual. The rules laid down by the Apostle to determine the comparative value of the gifts then so common in the Church will be found to contain the principles applicable to the regulation of Divine service; and it is touching to observe that they are immediately subjoined to that wonderful effusion describing "Charity," with which no ethical eloquence of Greece or Rome can suitably compare. The highest end, in the Apostle's mind, seems to be (v. 5) "that the Church may receive edifying." At present there is a disposition to treat a handful of men as scapegoats; and my fear is not only that they may suffer injustice, but lest far wider evils, than any within their power to cause or cure, should creep onwards unobserved. As rank bigotry, and what is

far worse, base egotistic selfishness may find their account, at moments like this, in swelling the cry of Protestantism, so much of no less rank worldliness may lurk in the fashionable tendency not only to excessive but even to moderate ritual. The best touchstone for dividing what is wrong and defining what is right in the exterior apparel of Divine service will be found in the holy desire and authoritative demand of the Apostle, "that the Church may receive edifying," rather than in abstract imagery of perfection on the one hand, or any form of narrow traditional prejudice on the other.

NOTE.—I subjoin to the article, now reprinted, Six Resolutions, in which, when the Public Worship Bill was before the House of Commons (July 1874), I endeavoured to set forth what appeared to me to offer a more safe and wise basis of legislation.

[1. That, in proceeding to consider the provisions of the bill for the Regulation of Public Worship, this House cannot do otherwise than take into view the lapse of more than two centuries since the enactment of the present Rubrics of the Common Prayer Book of the Church of England; the multitude of particulars embraced in the conduct of divine service under their provisions; the doubts occasionally attaching to their interpretation, and the number of points they are thought to leave undecided; the diversities of local custom which under these circumstances have long prevailed; and the unreasonableness of proscribing all varieties of opinion and usage among the many thousands of congregations of the Church distributed throughout the land.

2. That this House is therefore reluctant to place in the hands of every single Bishop, on the motion of one or of three persons howsoever defined, greatly increased facilities towards procuring an absolute ruling of many points hitherto left open and reasonably allowing of diversity; and thereby towards the establishment of an inflexible rule of uniformity throughout the land, to the prejudice, in matters indifferent, of the liberty now practically existing.

3. That the House willingly acknowledges the great and exemplary devotion of the clergy in general to their sacred calling, but is not on that account the less disposed to guard against the indiscretion, or thirst for power, or other fault of individuals.

4. That the House is therefore willing to lend its best assistance to any measure recommended by adequate authority, with a view to provide more effectual securities against any neglect of or departure from strict law which may give evidence of a design to alter, without the consent of the nation, the spirit or substance of the established religion.

5. That, in the opinion of the House, it is also to be desired that the members of the Church, having a legitimate interest in her services, should receive ample protection against precipitate and arbitrary changes of established custom by the sole will of the clergyman, and against the wishes locally prevalent among them; and that such protection does not appear to be afforded by the provisions of the bill now before the House.

6. That the House attaches a high value to the concurrence of Her Majesty's Government with the ecclesiastical authorities in the initiative of legislation affecting the Established Church.]

[I cannot refuse myself the satisfaction of referring to vol. i., p. 89, where will be found the opinions of the Prince Consort on the best method of checking innovation in the Church.—W. E. G., 1878.]

## (II.) IS THE CHURCH OF ENGLAND WORTH PRESERVING?

*"De vitâ et sanguine certant."*—ÆN. xii. 763.

1. A PAPER contributed to the *Contemporary Review* for October 1874, elicited, together with many expressions of interest and approval, many also of disappointment. There seemed to have been an expectation that the Essay might untie, or cut, the knot of the questions which had been so warmly, if not fiercely, agitated during the preceding Session of Parliament. But it had no such ambitious aim. Its object was, within the limited sphere of my means, simply to dispose men towards reflection; to substitute for the temper of the battle-field, good or needful as in its place that may be, the temper of the chamber, where we commune with our own hearts, and are still. And this was done for two reasons; the first, because all true meditation is dispassionate, and a dispassionate mood is the first indispensable condition for the resolution of controversies; the second, because there seemed to me to be real dangers connected, in the present day, with the merely fashionable accumulation of ritual, more subtle and very much more widely spread than the pronounced manifestations which had recently been so much debated.

2. The season is now tranquil; the furnace, no longer fed by the fuel of Parliamentary contentions among the highest authorities, has grown cool, and may be approached with safety, or, at least, with diminished risk. Those who opposed the Ecclesiastical Titles Bill, in 1851,



in some cases had for their reward (as I have reason to know) paragraphs in "religious" newspapers, stating circumstantially that they had joined the Church of Rome. Those who questioned the Public Worship Act, in 1874, were more mildly, but as summarily, punished in being set down as Ritualists. In the heat of the period, it would have been mere folly to dispute the justice of the "ticketing," or classification.

3. Perhaps it may now be allowed me to say, that I do not approach this question as a partisan. Were the question one between historical Christianity and systems opposed to or divergent from it, I could not honestly profess that I did not take a side. But as regards Ritual, by which I understand the exterior forms of Divine Worship, I have never, at any time of my life, been employed in promoting its extension; never engaged in any either of its general, or its local, controversies. In the question of attendance at this church or that, I have never been governed by the abundance or the scantiness of its ritual, which I regard purely as an instrument, aiming at an end; as one of many instruments, and not as the first among them. To uphold the integrity of the Christian dogma, to trace its working, and to exhibit its adaptation to human thought and human welfare, in all the varying experience of the ages, is, in my view, perhaps the noblest of all tasks which it is given to the human mind to pursue. This is the guardianship of the great fountain of human hope, happiness, and virtue. But with respect to the clothing, which the Gospel may take to itself, my mind has a large margin of indulgence, if not of laxity, both ways.

4. Much is to be allowed, I can hardly say how much, to national, sectional, and personal divergencies; and to

me it is indeed grievous to think that any range of liberty in these respects, which was respected during the storms of the sixteenth century, should be denounced and threatened in the comparative calm of the nineteenth. Reverence, indeed, is a thing indispensable and invaluable; but reverence is one thing, and ritual another; and while reverence is preserved, I would never, according to my own inclination individually, quarrel with my brother about ritual. Nothing, therefore, would be easier than for me, after the manner of those who affect impartiality, to censure sharply the faults which, from our elevated point of view, we detect on both sides. Nothing easier, but few things more mischievous; for what is impartiality between the two, is often gross partiality and one-sidedness in the judgment of each, by reason of its ruthlessly shutting out of view those kernels of truth which are probably on both sides to be found under the respective husks of warring prejudice.

5. Without, however, any assumption of the tone of the critic or the pedagogue, there is one recommendation which may be addressed to both parties in the controversy of ritualism. They should surely be exhorted to cease altogether, or at least to reduce to its minimum, the practice of importing into questions concerning the externals of religion the element of doctrinal significance. The phrase is borrowed from a pamphlet by Dr. Trevor,\* which bears the stamp, not only of ability, but of an independent mind. The topic is, in my belief, of deep moment. It cannot, perhaps, be more effectively illustrated than by a reference to the particular article of ritual which has been, more than any other, the subject

\* 'Trevor's Disputed Rubrics' (Parker), pp. 13 and *seqq.*

of recent contest—namely, ‘the question whether, during the prayer of consecration in the Office of Communion, the priest shall stand with his face towards the East, or towards the South.

6. By some mental process, which it seems difficult for an unbiassed understanding to comprehend, a controversy, which may almost be called furious, has been raised on this matter. It of course transcends—indeed, it almost scorns—the bounds of the narrower question, whether the one or the other posture is agreeable, or, as may perhaps better be said, is more agreeable, to the legal prescriptions of the rubrics. For it is held, and held on both sides by persons not inconsiderable either in weight or number, that, if the priest looks eastwards at this point of the service, he thereby affirms the doctrines of the Real Presence and the Eucharistic Sacrifice, but that, if on the contrary he takes his place at the north end of the altar or table, he thereby puts a negative on those doctrines.

7. If the truth of this contention be admitted, without doubt the most formidable consequences may then be apprehended from any possible issue of the debate. It is idle to hope that even judges can preserve the balance of their minds, when the air comes to be so thickly charged with storm. We may say almost with certainty that there are many, now reckoned as members of the Church of England, whom, on the one side, the affirmation of those principles would distract and might displace, while, on the other, their negation would precipitate a schism of an enduring character. But if this be even partially true, does it not elevate into an imperious duty, for all right-minded men, that which is in itself a rule of reason—namely, that we should steadily resolve not to annex to any particular acts of external usage a special dogmatic

interpretation, so long as they will naturally and unconstrainedly bear some sense not entailing that consequence?\*

8. Now, it seems pretty evident that, in the present instance, the contentions of each of the two parties are perfectly capable of being explained and supported upon grounds having no reference to the doctrines, with which they have been somewhat wilfully placed in a connection as stringent, and perhaps as perilous, as that of the folds of the boa-constrictor. Take, for example, the case in favour of what we may be allowed to call orientation. The bishops of the Savoy Conference laid down the principle, as one founded in general propriety and reason, that when the minister addresses the people he should turn himself towards them, as, for example, in preaching or in reading the lessons from Holy Scripture; but that when, for and with them, he addresses himself to God, there is solecism and incongruity in his being placed as if he were addressing them.

9. The natural course, then, they held to be, that congregation and minister, engaged in a common act, should, unless conformity between the inward and the outward is to be entirely expelled from the regulation of human demeanour, look together in a common direction. When this is done by a clergyman reading the Litany at a faldstool, he commonly turns his back on part of the congregation, and part of the congregation on him. When the same rule is followed in the prayer of consecration, the back of the clergyman is turned towards the entire congregation only from the circumstance that he officiates at the extreme East end of the church. The proper idea of the position is, not that he turns his back

\**Trevor's Disputed Rubrics* (Parker), pp. 13 and *seq.*

on the congregation, but that, placed at the head of the congregation, and acting for as well as with them in the capacity of the public organ of the assembled flock, he and they all turn in the same direction, and his back is towards the whole only as the back of the first line of worshippers behind him is towards all their fellow-worshippers. He simply does that, which every one does in sitting or standing at the head of a column or body of men.

10. And if he be a believer in the Real Presence and the Eucharistic Sacrifice, woe be to him in that capacity, unless he has some other and firmer defence for these doctrines than the assumed symbolism of an attitude that he shares with so many Protestant clergymen of Continental Europe, who are known to be bound but little to the first, and are generally adverse to the second of these doctrines. Thus, then, we have, in a particular view of the mere proprieties of the case, a perfectly adequate explanation of the desire to assume the eastward position, without any reference whatever to any given doctrinal significance, be it cherished or be it obnoxious. Let us now turn to the other side of the question, and see whether similar reasoning will not hold good.

11. It does not follow, upon the expulsion of this transcendental element from the discussion, that the objector to the plan of facing eastwards is left without a case, which again is one of simple policy and expediency, from his own point of view. He may, like many of his countrymen, be so wanting in the rudiments of the æsthetic sense, as to think that the most advantageous position for a Christian pastor towards the people is that in which he speaks all the prayers straight into their faces, and the best arrangement for the flock that of the

double pews, in which they are set to look at one another through the service, in order to correct, by mutual contemplation, any excessive tendency to rapt and collected devotion. But it is not necessary to impute to him this irrational frame of mind. He may admit that in the act of prayer, as a rule, minister and people may advantageously look in the same direction. He may renounce the imputation upon his adversaries that, by facing eastwards, they express adhesion to certain doctrines. And he may still point out that there is more to be said.

12. The prayer of Consecration is a prayer not of petition only, but of action too. In the course of it, by no less than five parenthetical rubrics, the Priest is directed to perform as many manual acts; and, quite apart from the legal argument that the reference in the principal rubric to breaking the bread before the people requires the action to be performed in their view, he may contend, if he thinks fit, that for the better comprehension of the service, it is well that they should have the power of seeing all that is required of the Priest respecting the handling of the sacred elements, and that this cannot be seen, or cannot so well be seen, if he faces eastwards, as if, standing at the north end of the holy Table, he faces towards the south.

13. I do not enter into the question whether this argument be conclusive, either as to the legal interpretation of the rubric, with which at present we have nothing to do, or as to the advantage of actual view and the comparative facilities for allowing it. It is enough to show that arguments may be made in perfect good faith, and free from anything irrational, against as well as for the eastward position, without embracing the embittering element of doctrinal significance; that both from the one side and

the other the question may be reasonably debated on general grounds of religious expediency. For if this be so, it becomes in a high degree impolitic, and very injurious to the interests of religion, to fasten upon these questions of position, whether in the sense of approval or of repudiation, significations which they do not require, and which they will only so far bear that, by prejudice or association, we can in any given case assign to words and things a colour they do not of themselves possess. There are surely enough real occasions for contention in the world to satisfy the most greedy appetite, without adding to them those which are conventional; that is to say, those where the contention is not upon the things themselves, but upon the constructions which prejudice or passion may attach to them.

14. Surely if a Zuinglian could persuade himself that the English Communion Office was founded upon the basis of Zuinglian ideas, he would act weakly and inconsistently should he renounce the ministry of the Church because he was ordered to face eastwards during the prayer of consecration; and at least as surely would one, ~~believing~~ in the Catholic and ~~primitive~~ character of the office, be open to similar blame if he in like manner repudiated his function as a priest upon being required to take his place only on the North. Preferences for the one or the other position it is easy to conceive. To varying ideas of worship—and in these later times the idea of worship does materially vary—the one or the other may seem, or may even be, more thoroughly conformable; but strange indeed, in my view, must be the composition of the mind which can deliberately judge that the position at the North end is in itself irreverent, or that facing towards the East is in itself superstitious. Both cannot

be right in a dispute, but both may be wrong; and one of the many ways in which this comes about is when the thing contended for is, by a common consent in error, needlessly lifted out of the region of things indifferent into that of things essential, and a distinction, founded originally on the phantasy of man, becomes the *articulus stantis aut cadentis concordie*.

15. It sometimes seems as though, even in the tumult of the Reformation, when the fountains of the great deep were broken up, the general mind must yet have been more solid and steadier, perhaps even more charitable, than now; though the edge of controversies at that epoch was physical as well as moral, and involved, at every sweep of the weapon, national defence and the personal safety or peril of life and limb. Members of the Church of England, even now somewhat irreverent as a body with reference to kneeling in ordinary worship, are nevertheless all content to kneel in the act of receiving the Holy Communion; a most becoming, most soothing, most fraternal usage. General censure would descend upon the man who should attempt to disturb it by alleging that this humble attitude of obeisance too much favoured the idea of paying worship to the consecrated elements. No less certainly, and even more sharply, would he be condemned who, himself believing in the Real Presence, should endeavour to force it home on others as the only key to the meaning of the usage.

16. But who can fail to see that for minds, I will not say jaundiced, but preoccupied with the disposition to attach extreme constructions to outward acts in the direction in which they seem to lean, nothing is more easy than to annex to the kneeling attitude of the receiver in the Holy Eucharist the colour and idea of adoration of the



consecrated elements? So, also, nothing would be more difficult than, when once such a colour has been so annexed, again to detach it effectually, and thus to bring the practice to an equitable judgment. Yet the Church of England, which has unitedly settled down upon the question of kneeling at reception, has resolutely thrust aside the extreme construction, through which a baleful concurrence of opposing partisans might have rendered it intolerable.

17. And this she did, carrying the practice itself without shock or hesitation through all the fluctuations of her Liturgy, during times when theological controversy was exasperated by every mundane passion which either the use of force, or its anticipation, can arouse. It will indeed be strange—should we not rather say it will indeed be shameful—if, after conducting the desperate struggles of the Reformation to their issue, and when we have realised its moral and social fruits for three centuries and a half, we prove to be so much less wise and less forbearing than our less civilised and refined forefathers, that we are to be led, by an aggravated misuse of this practice of gratuitous construction, to create a breach upon a question so much less difficult, so much less calling for or warranting extreme issues, than that which they proved themselves able to accommodate?

18. It may indeed be said, and not untruly, that in a certain sense both the friends and the adversaries of the practice I have been considering are agreed in attaching to it the meaning I presume to deprecate. Where both parties to a suit are agreed, it is idle, we may be told, to dispute what they concur in. Now the very point I desire to bring into clear view is that this is not a suit with two parties to it, but that many, perhaps most, of

those who are entitled to be heard, are not before the court; many, aye multitudes, who think either this question should be let alone, or that if it is not let alone, it should be decided upon dry and cold considerations of law, history, and science, so far as they are found to inhere in it; not judged by patches of glaring colour, the symbols of party, which are fastened upon it from without. If this be a just view, the concurrence of the two parties named above in their construction of the eastward position is no better a reason for the acquiescence of the dispassionate community, than the agreement of two boys at school or in the street to fight, in order to ascertain who is the strongest, is a reason against the interference of bystanders to stop them if they can.

19. There is in political life a practice analogous, as it seems to me, to the practice of needlessly importing doctrinal significance into discussions upon ceremonial. It is indeed a very common fashion to urge that something, in itself good and allowable, has become bad and inadmissible on account of motives imputed to those who ask it. The reforms proposed in 1831 and 1866 were not to be conceded, because they would be used as levers for ulterior extensions of the franchise. The Irish Church was not to be disestablished, because the change would serve as an argument for disestablishing the Church of England. Irish public-houses must not be closed on Sunday where the people desire it, for fear the measure should bring about a similar closing in England, where public opinion is not ripe for it. But then, in the secular world, this very practice is taken as the indication of an illiberal mind, and a short-sighted policy.

20. The truly liberal maxim has ever been that, by granting just claims, you disarm undue demands: that

things should be judged as they are in themselves, and not in the extraneous considerations, and remote eventualities, which sanguine friends and bitter foes oftentimes agree in annexing to them. It is, therefore, with unfeigned surprise, that I read in the work of no mean writer on this rubrical controversy, that in May last he "prayed" that the priest might be allowed to face eastwards, but that he would now refuse it, because "this eastward position is claimed for distinctively doctrinal purposes." I am reluctant to cite a respected name, but it is necessary to give the means of verifying my statement by a reference to Dr. Swainson's 'Rubrical Question of 1874,'\* pp. 1, 5. I might, I believe, add other instances of the same unfortunate line of thought; but it is needless, and I gladly refrain.

21. What, then, is the upshot of this extraordinary preference of the worse over the better, the more arbitrary over the direct and inherent construction? It is this, that it heats the blood and quickens the zeal of sympathising partisans. But then it has exactly the same effect upon the partisans of the two opposite opinions. So that it widens breaches, feeds the spirit of mutual defiance, and affords, like abundant alcohol, an intoxicating satisfaction, to be followed by the remorse of the morrow when the mischief has been done. It enhances the difficulties of the Judge's task, and makes hearty acquiescence in his decisions almost hopeless.

22. Wherever this importation of doctrinal significance, I care not from which side, has been effected, it power-

\* But, at p. 70, Dr. Swainson, with great candour, states that, if the law be declared adversely to his view, he will at once renounce this imputation of doctrinal significance.

fully tends to persuade the worsted party that the law has been strained against him on grounds extraneous to the argument, and to drive him either upon direct disobedience, or upon circuitous modes of counteracting the operation of any Judgment given. Those, against whom the letter of the law seems to be turned invidiously, are apt to think they may freely and justly avail themselves of it, wherever it is in their favour. Supposing, for example, that, by a judgment appearing to rest on considerations of policy and not of law, the eastward position were to be condemned, who does not see that those who thought themselves wronged might discover ample means of compensation?

23. Some have contended that the clergy, sustained by their flocks, might retrench the services of the parish church; and that, offering within its walls a minimum both of ritual and of the opportunities of worship, they might elsewhere institute and attend services which, under a recent Statute (18 & 19 Vict. c. 86), they believe they might carry on without being subject to the restraints of the Act of Uniformity. I am not aware that this contention can be confuted. If not, it opens to view a real and serious danger. Or again, in the churches themselves, where the clergyman was forbidden to adopt a position construed as implying an excessive reverence, not he only, but, with certain immunity from consequences, his congregation might, and probably would, resort to other external acts, at least as effectual for the same purpose, much more closely related to doctrinal significance, much more conspicuous in themselves, and, perhaps, much more offensive to fellow-worshippers, than the position which had been prohibited. What, upon either of these suppositions, would have been gained by the most signal victory

in the courts, either for truth or for peace, or even for the feelings and objects of those who would be called the winners ?

24. I have dwelt at length on this particular subject, not because I imagine the foregoing remarks to offer a solution of existing difficulties, but in order to point out and to avert, if possible, what would make a solution impossible. The very first condition of healthy thought and action is an effort at self-mastery, and the expulsion, from the controversies concerning certain rubrics, of considerations which aggravate those controversies into hopelessness, and which seem to dwell in them, as demons dwell in the bodies of the possessed, till they were expelled by the beneficent Saviour, and left the sufferers at length restored to their right mind. If we cannot fulfil this first condition of sanity, it is, I fear, hopeless to expect that the day of doom for the Established Church of England can be long postponed.

25. It is bad enough, in my opinion, that we should have to adjust these difficulties by the necessarily rude and coarse machinery of Courts of law. I do not disguise my belief, founded on very long and rather anxious observation, that the series of penal proceedings in the English Church during the last forty years, which, virtually though not technically, began with the action of the University of Oxford against Bishop Hampden, have as a whole been mischievous. I make no accusation, in speaking thus, against those who have promoted them. I will not say that they have usually been without provocation, that they could easily have been avoided, that they have been dishonourably instituted, or even vindictively pursued. I do not inquire whether, when they have been strictly judicial, they have or have not generally added

to the fame of our British Judicature for power or for learning.

26. Unhappily they came upon a country little conversant with theological, historical, or ecclesiastical science, and a country which had not been used, for three hundred years, with the rarest exceptions, to raise these questions before the tribunals. The only one of them, in which I have taken a part, was the summary proceeding of the Council of King's College against Mr. Maurice. I made an ineffectual endeavour, with the support of Judge Patteson and Sir B. Brodie, and the approval of Bishop Blomfield, to check what seemed to me the unwise and ruthless vehemence of the majority which dismissed that gentleman from his office. It may be that, in this or that particular case, a balance of good over evil may have resulted. It could not but be that in particular instances some who would not have wished them to be instituted could not wish them to fail. But I have very long been convinced that, as a whole, they have exasperated strife and not composed it; have tempted men to employ a substitute, at once violent and inefficient, for moral and mental force; have aggravated perils which they were honestly intended to avert; have impaired confidence, and shaken the fabric of the Church to its foundations.

27. The experience of half a century ago may, in part, serve to illustrate an opinion which may have startled many of my readers, but which long ago I for one entertained and made known in quarters of great influence. Nothing could be sharper than was, at that time, the animosity of Churchmen in general against what are termed Evangelical opinions. There was language used about them and their proposers in works of authority—such, for instance, as certain tracts of the Society for

Promoting Christian Knowledge—which was not only insolent, but almost libellous. But it seems that the Church at least took to heart the wise counsel which Athene offered to Achilles, that he should abuse Agamemnon, but not strike him. “Fall foul of him with words, as much as you have a mind: but keep your sword within the scabbard.”\* The sword, at that period of our Church history, was never drawn; and the controversy settled itself in an advantageous way. Are we driven to admit that there was, among the rulers and the ruled of those days, more of patience, or of faith in moral force, or both; more of the temper of Gamaliel, and less of the temper of Saul?

28. At a later date, it is true that Bishop Philpotts broke the tradition of this pacific policy in the case of Mr. Gorham. But all who knew that remarkable Prelate are aware that he was a man of sole action, rather than of counsel and concert; and it was an individual, not a body, that was responsible for striking the blow, of which the recoil so seriously strained the Church of England.

29. While frankly avowing the estimate I form of the results which have flowed from these penal proceedings in matter belonging to law undoubtedly, but to conscience as well as law, I am far from believing that the public as yet fully shares these views. I must suppose, especially after the legislative proceedings of last year, that my countrymen are well satisfied with the general or average results, and have detected in them what my eyesight has not perceived, a tendency to compose the troubles, and consolidate the fabric, of the Church. My ambition does not, then, soar so high as to ask for a renunciation of the comforts and advantages, which the

seem to find in religious litigation. All that I am now contending for is that the suits, which may be raised, ought not to be embittered by the opening of sources of exasperation that do not properly belong to them; that contribute absolutely nothing to the legal argument on either side for the elucidation of the rubrics; and that, on the contrary, by inflaming passion, and suggesting prejudice, darken and weaken the intellects, while they excite the susceptibilities, of all concerned.

30. If, as I hope, I may have carried with me some degree of concurrence in the main proposition I have thus far urged, let us now turn to survey a wider prospect. Let us look for a while at the condition of the English Church—its fears and dangers on the one hand, its powers and capacities on the other; and let us then ask ourselves whether duty binds and prudence recommends us to tear it in pieces, or to hold it together.

31. It is necessary first to free the inquiry from a source of verbal misunderstanding. In one and the same body, we see two aspects, two characters, perfectly distinct. That body declares herself, and is supposed by the law of the country to be, the ancient and Catholic Church of the country, while it is also the national Establishment of Religion. In the first capacity, it derives its lineage and commission from our Saviour and the Apostles; in the second, it is officered and controlled by the State. We may speak of holding the Church together, or of holding the Church and the State together. I am far from placing the two duties on the same ground, or assigning to them a common elevation. Yet the subjects are, in a certain form, closely connected; and the form is this. It may be that the continuing union of the Church within herself will not secure without limit the continuing union of the



Church with the State. But it is certain, nevertheless, that the splitting of the Church will destroy its union with the State.

32. Not only as a Church, but as an endowed Establishment, it is, without doubt, still very strong. Sir Robert Peel said, over a quarter of a century ago, in discussing the emancipation of the Jews, that the only dangers of the Church consisted in its internal dissensions. Within that quarter of a century the dangers have increased, but with them has probably increased also the strength to bear them. Menace and peril from without, against the Church as an Establishment, have made ground, but are still within measure. They still represent a minor, not a major, social force; though they are seconded by a general movement of the time, very visible in other countries, and apparently pervading Christendom at large, yet with a current certainly slow, perhaps indefinitely slow. But, though the Church may be possessed of a sufficient fund of strength, there is no redundancy that can be safely parted with. Any secession, if of sensible amount, constituting itself into a separate body, would operate on the National Church with reference to its nationality, like a rent in a wall, which is mainly important, not by the weight of material it detaches, but by the discontinuity it leaves.

33. It is not, indeed, only the severance of the Church into two bodies which might precipitate disestablishment. Obstinacy and exasperation of internal strife might operate yet more effectively towards the same end. The renewal of scenes and occurrences like those of the session of 1874 would be felt, even more heavily than on that first occasion, to involve not only pain, but degradation. The disposition of some to deny to the members of the National

Church the commonest privileges belonging to a religious communion, the determination of others to cancel her birthright for a mess of pottage, the natural shrinking of the better and more refined minds from indecent conflict, the occasional exhibition of cynicism, presumption, ignorance, and contumely, were, indeed, relieved by much genial good sense and good feeling, found, perhaps, not least conspicuously among those, who were by religious profession most widely severed from the National Church.

34. But the mischief of one can inflict wounds on a religious body, which the abstinence and silent disapproval of a hundred cannot heal; and, unless an English spirit has departed wholly from the precincts of the English Church, she will, when the outrage to feeling grows unendurable, at least in the persons of the most high-minded among her children, absolutely decline the degrading relation to which not a few seem to think her born. I pass, then, to consider whether it be a duty or not to keep the Church united, with the negative assumption implied in these remarks, that without such union there cannot be a reasonable hope of saving the Establishment.

35. But it may be said, what is this internal union of the Church, which is professed to be of such value? We have within it men who build, or suppose themselves to build, their religion only upon their private judgment, unequally yoked with those who acknowledge the guiding value of Christian history and witness; men who believe in a visible Church, and men who do not; men who desire a further Reformation, and men who think the Reformation we have had already went too far; men who think a Church exists for the custody and teaching of the truth, and men who view it as a magazine for the collection and parade of all sorts of opinions, to meet the tastes

of all sorts of customers. Nay, besides all this, are there not those who, with such concealment only as prudence may require, question the authority of Holy Scripture, and doubt, or dissolve into misty figure, even the cardinal facts of our redemption enshrined in the Apostles' Creed? What union, compatible with the avowed or unavowed existence of these diversities, can deserve the name, or can be worth paying a price to maintain?

36. Now, before we examine the value or no value of this union, the first question is—does it exist, and how and where does it exist, as a fact? It does; and it is to be found in the common law, common action and history, common worship, and probably, above all, the common Manual of worship, in the Church. Though it is accompanied with many divergencies of dogmatic leaning, and though these differences are often prosecuted with a lamentable bitterness, yet in the law, the history, the worship, and the Manual, they have a common centre, to which, upon the whole, all, or nearly all, the members of the body are really and strongly, though it may be not uniformly nor altogether consistently, attached, and which is at once distinctive, and in its measure efficient.

37. Nay, more, it has been stated in public, and I incline to believe with truth, that the rubrics of the Church are at this moment more accurately followed than at any period of her history since the Reformation. Twelve months ago I scandalised the tender consciences of some by pointing out that in a law which combined the three conspicuous features of being extremely minute, very ancient, and in its essence not prohibitive but directory, absolute and uniform obedience was hardly to be expected; perhaps, in the strict meaning of the terms, hardly even to be desired.

38. I admit the scandals of division, and the greater scandals of dissension; but there are, as I believe, fifteen millions of people in this country who have not thrown off their allegiance to its Church, and these people, when they speak of it, to a great extent mean the same thing, and, when they resort to it, willingly concur in the same acts; willingly, on the whole, though the different portions of them each abate something from their individual preferences to meet on common ground; even as Tories, Whigs, and Radicals do the like, to meet on the common ground of our living and working constitution. This union, then, I hold to be a fact; and I contend that it is a fact worth preserving. I do not beg that question: I only aver that it is the question really at issue; and I ask that it may be dispassionately considered, for many questions of conduct depend upon it.

39. The duty of promoting union in religion is elevated by special causes at the present day into a peculiar solemnity: while these causes also envelop it in an extraordinary intricacy. The religion of Christ as a whole, nay, even the pallid scheme of Theism, is assailed with a sweep and vehemence of hostility greater probably than at any former period. While the war thus rages without the wall, none can say that the reciprocal antagonism of Christian bodies is perceptibly mitigated within it, or that the demarcating spaces between them are narrower than they were. Most singular of all, the greatest of the Christian communions, to say nothing of the smaller, are agitated singly and severally by the presence or proximity of internal schism.

40. The Papal Church has gone to war with portions of its adherents in Armenia, in Germany, in Italy, in Switzerland, and elsewhere; besides being in conflict

with the greater number of Christian states, especially of those where the Roman religion is professed. The relations of the Church of England beyond St. George's Channell, however euphemistically treated in some quarters, are dark, and darkening still. Even the immovable East is shaken. The Slavonic, and the Hellenic, or non-Slavonic, elements are at present, though without doctrinal variance, yet in sharp ecclesiastical contention; and a formidable schism in Bulgaria, not discountenanced by Russian influences, disturbs at its own doors the ancient and venerable See of Constantinople, with its sister Patriarchates. This is a rude and slight, but I believe an accurate outline. I do not say it carries us beyond, but it certainly carries up to this point: that now, more than ever, our steps should be wary and our heads cool, and that, if we should not disguise the full significance of controversies, neither should we aggravate them by pouring Cayenne pepper into every open wound.

41. I do not say that, in circumstances like these, it becomes the duty of each man to sacrifice everything for the internal unity of his own communion. When that communion, by wanton innovation, betrays its duty, and aggravates the controversies of Christendom, the very best friend to its eventual unity may be he who at all hazards, and to all lengths, resists the revolutionary change. But it would seem that, in all cases where the religious body to which we belong has not set up the *petra scandali*, the presumptive duty of the individual who remains in its communion, to study its peace, is enhanced.

42. Nowhere, in my view, does this proposition apply with such force as to the case of the English Church.

This Church and nation, by an use of their reforming powers, upon the whole wonderfully temperate, within the sphere strictly religious, found for themselves, amidst the tempests of the sixteenth and seventeenth centuries, a haven of comparative tranquillity, from which, for more than two centuries, they have not once been dislodged. Within this haven it has, especially of late years, been amply proved that every good work of the Divine Kingdom may be prosecuted with effect, and every quality that enlarges and ennobles human character may be abundantly reared. I do not now speak of our British Nonconformists, for whom I entertain a very cordial respect, and whose case is not here in question: I confine myself to what is still the National Church; and I earnestly urge it upon all her members that the more they study her place and function in Christendom, the more they will find that her unity, qualified but real, is worth preserving.

43. I will dwell but very lightly on the arguments which sustain this conclusion. They refer first to the national office of this great institution. It can hardly be described better than in a few words which I extract from a recent article in the *Edinburgh Review* :—

“The crown and flower of such a movement was the Elizabethan Church of England. There the watchword was never destruction or innovation; there a simple, Scriptural, Catholic, and objective teaching has preserved us from superstitious and dogmatic vagaries on the one hand, and from the subjective weakness of many of the Protestant sects on the other. To the formation of such a Church the nation gave its strength and its intelligence, viz., that of the idea of More (?), of Shakespeare, and of Bacon; and what is more, the whole nation contributed its good sense, its sobriety, its steadfastness, and its appreciation of a manly and regulated freedom.”—*Edinburgh Review*, April 1875, p. 574.

44. There are those who think that bold changes in the law and constitution of the Church, in the direction of developed Protestantism, would bring within its borders a larger proportion of the people. My own opinion is the reverse of this. I look upon any changes whatever, especially of the Prayer Book, if sensible in amount and contentious in character, as simply synonymous with the destruction of the National Establishment. But the matter is one of opinion only; and I fully admit the title of the nation to make any such changes, if they think fit, with such a purpose in view.

45. But, besides her national office and capabilities, the Church of England, in her higher character as a form of the Christian religion, has a position at once most perilous and most precious (I here borrow the well-known expression of De Maistre) with reference to Christendom at large. She alone, of all Churches, has points of contact, of access, of sympathy, touching upon all the important sections of the Christian commonwealth. Liable, more than any other religious body, to see her less stable or more fastidious members drop off from her, now in this direction and now in that, she is, nevertheless, in a partial but not an unreal sense, a link of union between the several fractions of the Christian body. At every point of her frontier, she is in close competition with the great Latin communion, and with the varied, active, and in no way other than respectable, forms of nonconformity.

46. Nor does this represent the whole of the danger which, as to her sectional interests, she daily suffers in detail. She inhabits a sphere of greater social activity than is found in any other country of Europe; she is in closer neighbourhood, throughout her structure, than any other Church, with the spirit of inquiry (I do not say of

research), and is proportionably more liable to defections in the direction of unbelief, or; if that word be invidious, of non-belief, or negation. But this great amount of actual peril and besetting weakness is, in at least a corresponding degree, potential force and usefulness, for others as well as for herself; and no philosophic observer, whatever be his sectional leanings, can exclude her from a prominent place in his survey of Christendom.

47. These things, it seems to me, are not enough considered among us. If they were enough considered, we should be less passionate in our internal controversies. We should recollect that we hold what all admit to be a middle place; that the strain, as in a wheel, is greatest at the centre, the tendency to dislocation is there most difficult to subdue. So we should more contentedly accept the burdens of the position, for the sake of the high, disinterested, and beneficent mission, with which they seem to be allied. Even if I am wrong in the persuasion that much ought to be borne rather than bring about a rupture, I can hardly be wrong in claiming the assent of all to the proposition that we had better not prosecute our controversies wildly and at haphazard, but that we should carefully examine, before each step is taken, what other steps it will bring after it, and what consequences the series may as a whole involve.

48. I am quite aware of the answer which will spring to the lips of some. "The object of the long series of prosecutions, and of the Act of 1874, is to cut out a gangrene from the Church of England; to defeat a conspiracy which aims at reversing the movement of the Reformation, and at remodelling her tenets, her worship, and her discipline, on the basis of the Papal Church: aye, even with all the aggravations of her earlier system,



which that Church has in the latter times adopted." But the answer to this answer is again perfectly ready. If there be within the Church of England a section of clergy or laity, which is engaged in such a conspiracy, it is one extremely, almost infinitesimally, small. I do not now deal with the very different charge against doctrines and practices which are said to *tend* towards the Church of Rome. This charge was made against Laud by the Puritans, and is made against the Prayer Book at large by our Nonconforming friends, or by very many of them.

49. Such allegations did not commence with the revivals of our time. See for example the following extract from 'The Catholic Question: addressed to the Freeholders of the County of York;' on the General Election of 1826, p. 24 :—

"All these things, however, are visible in the Church of England: go to a cathedral, hear and see all the magnificent things done there: behold the regiments of wax tapers, the white-robed priests, the mace-bearers; the chaunters, the picture over the altar, the wax-lights and the burnished gold plates and cups on the altar; then listen to the prayers repeated in chaunt, the anthems, the musical responses, the thundering of the organ and the echoes of the interminable roof; and then say, is not this idolatry? it is all the idolatry that the Catholics admit; it is the natural inclination that we have to those weak and beggarly elements, pomp and pride; and which both Catholics and the High Church party think so important in religion. I boldly assert that there is more idolatry in the Church of England than amongst the English Catholics; and for this simple reason, because the Church of England can better afford it. Two-thirds of the Church service is pomp and grandeur; it is as Charles II. used to say, 'the service of gentlemen.' It is for show, and for a striking impression; the cathedral service is *nothing more or less than a mass*, for it is all chaunted from beginning to end, and the people cannot understand a word of it,"

50. My special observation on the charge, as it is now advanced, is that those, who *aim* at Romanising the Church, are, at worst, a handful. If, then, the purpose be to put them down, isolate them ; attack them (since you think it worth while) in the points they distinctively profess and practise. But is this the course actually taken? Are these points the subjects of the recent prosecutions, of the present threats, of the crowd of pamphlets, of the volumes upon ritual controversy, which daily issue from the press? On the contrary, these prosecutions, these menaces, these voluminous productions, have always for their main, and often for their exclusive, subject the two points of Church law which relate to the position of the consecrator, and to the rubric on ecclesiastical vestments.

51. But now we arrive at a formidable dilemma. Upon the construction of the law on these two points, the prosecuting parties are at variance, not with a handful, but with a very large number, with thousands and tens of thousands, both of the clergy and the laity of the Church of England, whose averments I understand to be these : first, that the law of 1662, fairly interpreted, enjoins the vestments of the First Prayer Book of Edward VI., and the eastward position of the consecrating priest ; secondly, that it would be inequitable and unwise to enforce these laws, and that the prevailing liberty should continue ; thirdly, that it would be inequitable and unwise to alter them. Are these propositions conclusive evidence of a conspiracy to assimilate the Reformed religion of England to the Papal Church ?

52. If they are not, why is the war to be conducted mainly, and thus hotly, in the region they define ? If they are, then our position is one of great danger, because it is well known that a very large and very weighty

portion of the clergy, with no inconsiderable number of the laity, proceeding upon various grounds—love of ritual, love of liberty, dread of rupture—are arrayed on the side of toleration against the prosecuting party. It is said to have been declared by persons in high authority, that a large portion of both clergy and laity do entertain the desire to Romanise the Church. I am convinced it is not so; but if it be so, our condition is indeed formidable, and we are preparing (in the phrase of Mr. Carlyle) to “shoot Niagara.” For I hold it to be beyond dispute that, whether minor operations of the knife be or be not safe for us, large excisions, large amputations, are what the constitution of the patient will not bear. Under them the Establishment will part into shreds; and even the Church may undergo sharp and searching consequences, which as yet it would be hardly possible to forecast, either in principle or detail.

53. For the avoidance of these dangers, my long cherished conviction still subsists that the best and most effectual remedy is to be found in more largely forbearing to raise contentious issues, and in ceasing to aim at ruling consciences by courts. I say this is the most effectual remedy. For the next best, which is that the parties shall, after full and decisive exposition of the law, submit to the sentence of the tribunals, is manifestly at the best incomplete. The prosecuting party, in the two matters of the Rubric on vestments and the position of the consecrating minister, will doubtless submit to an adverse judgment; but will as certainly, and not without reason from its own point of view, transfer to the legislative arena the agitations of the judicial forum.

54. The Dean of Bristol, who has argued these questions with his usual force and directness, wishes that no altera-

tions should be made in the rubrics, if what is called the Purchas judgment be maintained; but, with his acute eye, he has perhaps shrewd suspicions on that subject; and accordingly he says, if that judgment be not maintained, he is "for such wide agitation, such strong and determined measures, as shall compel [*sic*] the Legislature to give back to the Church its old and happy character of purity."\* A pleasant prospect for our old age! But the Dean has this advantage over me. He does not object to the *voies de fait*, and, if only the judgment goes his way, will be quite happy. I am one of those who have the misfortune of being like Falkland in the war of King and Parliament: I shall deplore all disturbing Judgments on the points in question, wholly irrespective of my own sympathies or antipathies.

55. If the prosecutors are defeated, who are strongly (to use a barbarous word) establishmentarian, we shall have agitation for a change in the law, too likely to end in rupture. If they succeed (which I own I find it very difficult to anticipate), we shall have exaggerated but unassailable manifestations of the feeling it has been sought to put down; and, while this is the employment of the *interim*, the party hit, who are by no means so closely tied to the alliance of the Church with the State, will, despairing of any other settlement, seek peace through its dissolution.

56. It may now perhaps in some degree appear why I have pressed so earnestly the severance of these rubrical suits from "doctrinal significance." Could we but expel that noxious element from the debate, could we but see that the two conflicting views of the position and the

vestments are just as capable; to say the least, of a large and innocuous as of a specific and contentious interpretation, then we might hope to see therewith a frame of mind among the litigators, capable of acquiescence in any judgment which they may believe to be upright, and to be given after full consideration of the case. Soreness there might be, and murmuring; but good sense might prevail, and the mischief would be limited within narrow bounds.

57. But unhappily men of no small account announce that they care not for the sign, they must deal with the thing signified. They desire the negation by authority of the doctrine of the Real Presence of our Lord and Saviour Christ, and of the Eucharistic Sacrifice; negations which, again, are synonymous with the disruption of the English Church.

58. When prudent men, or men made prudent by responsibility, are associated together for given purposes, whether in a cabinet, or a synod, or a committee, or a board, and they find their union menaced by differences of opinion, they are wont first to test very fully the minds of one another by argument and persuasion. Failing these instruments, both the instinct of self-preservation and the laws of duty combine in prompting them to put off the evil day, and thus to take the benefit of enlarged information, of fresh experience, of the softening influences of association, and of whatever other facilities of solution the unrevealed future may embrace. Why can we not carry a little of this forbearance, founded upon common sense, into religion, and at least fetch our controversies out of the torrid into the temperate zone?

59. The time may, and I hope will, arrive, when a spirit of more diffusive charity, a wider acquaintance with

the language and history of Christian dogma, and a less jealous temper of self-assertion, will enable us to perceive how much of what divides us in the Eucharistic controversy is no better and no worse than logomachy, and how capable men, ridding themselves of the subtleties of the schools and of eschewing heated reactions, may solve what passion and faction have often declared insoluble.

60. But that time has not yet arrived; and, if the doctrine of the Eucharist must really be recast, there are no alternatives before us except on the one hand disruption, on the other postponement of the issue until we can approach it under happier auspices. The auspices are not happy now. There are even those in the English Church who urge with sincerity, and without being questioned by authority, the duty of preaching the "Real Absence,"\* and, though these be few, yet some who shrink from the word may be nearly with them in the thing. On the other side, wholly apart from the energy of partisanship, from a Romanising disposition, and from a desire for the exaltation of an order, there are multitudes of men who can patiently endure differences which they believe to be provisional, and adjourn their settlement to a future day; but who believe that the lowering of the sacramental doctrine of the English Church, in any of its parts, will involve, together with a real mutilation of Scriptural and Catholic truth, a loss of her Christian dignity, and a forfeiture of all the hopes associated with her special position in Christendom.

61. Of all sacramental doctrine, none is so tender in this respect as that which relates to the Eucharist. The gross abuses of practice, and the fanciful excesses of

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\* Rev. Mr. Wolfe on the 'Eastward Position,' p. 4.

theological speculation in the Western Church before the Reformation, compelled the Anglican Reformers to retrench their statements to a minimum, which can bear no reduction, whether in the shape of altered formulæ, or of binding constructions. If, in these times of heat, we abandon the wise self-restraint which in the main has up to a recent time prevailed, it is too probable that wanton tongues, prompted by ill-trained minds, may reciprocally launch their reproaches of superstition and idolatry on the one hand, of heresy and unbelief on the other.

62. Surely prudence would dictate that in these circumstances all existing latitude of law or well-established practice should as a rule be respected; that no conscience be pressed by new theological tests, either of word or action; and that we should prefer the hope of a peaceful understanding, in some even distant future, to the certainty of a ruinous discord, as the fruit of precipitancy and violent courses. One of the strangest freaks of human inconsistency I have ever witnessed is certainly this. We are much (and justly) reminded, with reference to those beyond our pale, to think little of our differences and much of our agreements; but at the same time, and often from the same quarters, we are taught and tempted by example if not by precept, within our own immediate "household of faith," to think incessantly of our differences, and not at all of our much more substantial and weighty agreements.

63. The proposition, then, on which I desire to dwell as the capital and cardinal point of the case is, that heavy will be the blame to those, be they who they may, who may at this juncture endeavour, whether by legislation or by judicial action, and whether by alteration of phrases or by needlessly attaching doctrinal significance to the

injunction or prohibition of ceremonial acts, to shift the balance of doctrinal expression in the Church of England. The several sections of Christendom are teeming with lessons of all kinds. Let us, at least in this cardinal matter of doctrinal expression, wait and learn.

64. We have received from the Almighty, within the last half-century, such gifts as perhaps were hardly ever bestowed within the same time on a religious community. We see a transformed clergy, a laity less cold and neglectful, education vigorously pushed, human want and sorrow zealously cared for, sin less feebly rebuked, worship restored from frequent scandal and prevailing apathy to uniform decency and frequent reverence, preaching restored to an Evangelical tone and standard, the organisation of the Church extended throughout the Empire, and this by the agency, in many cases that might be named, of men who have indeed succeeded the Apostles not less in character than in commission. If we are to fall to pieces in the face of such experiences, it will be hard to award the palm between our infatuation and our ingratitude; and our just reward will be ridicule from without our borders, and remorse from within our hearts.

65. This highly coloured description I desire to apply within the limits only of the definite statement with which it was introduced. But I am far from complaining of those who think the evils of litigation ought to be encountered, rather than permit even a handful of men to introduce into our services evidences of a design to Romanise the religion of the country. I have always, too, been of opinion that effective provision should be made to check sudden and arbitrary innovation as such, even when it does not present features of intrinsic mischief. To me this still appears a wiser and safer basis



of proceeding than an attempt to establish a cast-iron rule of uniform obedience to a vast multitude of provisions sometimes obscure, sometimes obsolete, and very variously understood, interpreted, and applied.

66. But this preference is not expressed in the interest of any particular party, least of all of what is termed the High Church party. For the rubrics, which the Public Worship Act is to enforce, may, with truth, be generally described as High Church rubrics; and the mere party man, who takes to himself that designation, has reason to be grateful to the opposing party for having so zealously promoted the passing of the Act. For my own part, I disclaim all satisfaction in such a compulsory enforcement of rubrics that I approve; and I would far rather trust to the growth of a willing obedience among those who are called Low Churchmen, where it is still deficient. I am far, however, from asserting that all enforcement of the law, beyond what I have above described, must of necessity produce acute and fatal mischiefs. Much folly both of "Reges" and of "Achivi" has been borne, and may yet be borne, if only Judgments shall be such as to carry on their front the note of impartiality, and so long as we avoid the rock of doctrinal significance, and maintain the integrity of the Prayer Book.

67. But I must endeavour, before closing these remarks, to bring into view some further reasons against free and large resort to penal proceedings in regard to the ceremonial of the Church. The remarks I have to offer are critical in their nature, for they aim at exhibiting the necessary imperfections even of the best tribunal; but they do not require the sinister aid either of bitterness or of disrespect.

The first of these remarks is, that the extinction of the separate profession of the civilian, now merged in the general study and practice of the bar, and the consolidation of the Courts of Probate and Admiralty with those of Equity and Common Law, have materially impaired the chances, which have hitherto existed, of not finding in our Judges of ecclesiastical causes the form of fitness growing out of special study. Any reader of the learned Judgments of the Dean of Arches (Sir Robert Phillimore) may perceive the great advantages they derive from this source.

68. It may be thought, with some reason, that episcopal assessors will, in doctrinal cases, help to supply the defect; but it would not be easy to arrange that the most learned Bishops should be chosen as assessors; and the general standard of learning on the bench cannot, under the hard conditions of modern times, be kept very high. The number of individuals must at all times be small, who can unite anything like deep or varied learning with the administrative and pastoral qualities, and the great powers of business and active work, which are now more than ever necessary, and are almost invariably found, in a Bishop.

69 But in questions of ceremonial, the difficulties are greater still. Let any one turn, for example, to the decision on appeal in the Purchas case, as it is the most recent, and seems to be the most contested, of the rubrical decisions. He will find, perhaps with surprise, that it does not rest mainly on considerations of law, but much more upon the results of historical and antiquarian study. Though rightly termed a legal Judgment, and though it of course has plenary authority as to the immediate question it decides, it is in truth, and could not but be,

as to the determining and main portion of it, neither more nor less than a purely literary labour. Now, the authority of literary inquiries depends on care, comprehensiveness, and precision, in collecting facts, and on great caution in concluding from them. There is no democracy so levelling as the Republic of Letters. Liberty and equality here are absolute, though fraternity may be sometimes absent on a holiday. And a literary labour, be it critical, be it technical, be it archæological, when it has done its immediate duty of disposing of a cause, cannot afterwards pass muster by being wrapped in the folds of the judicial ermine. It must come out into the light, and be turned round and round, just as freely (though under more stringent obligations of respect) as Professor Max Müller's doctrine of solar myths, or Professor Sylvester's fourth dimension in space, or Dr. Schliemann's promising theory that Hissarlik is Troy.

70. It is, I believe, customary, and perhaps wise, that a prior judgment of the highest court of appeal should govern a later one. It is alleged, nor is it for me to rebut the allegation, that the Purchas Judgment contradicts the Judgment in the case of *Liddell v. Westerton*; but, if so, this is accidental, and does not touch the principle, which seems to be generally acknowledged. Now, however well this may stand with respect to interpretation of law, yet with respect to historical and antiquarian researches, and to Judgments which turn on them, it would evidently be untenable, and even ludicrous. And then comes the question, what right have we to expect from our Judges, amidst the hurry and pressure of their days, and often at a time of life when energy must begin to flag, either the mental habits, or the acquisitions, of the archæologist, or the critic, or, above all,

of the historian? Why should we expect of the Bishop, because he may be assumed to have a fair store of theology, or of the Judge, because he has spent his life in pleading or even in hearing causes, that they should be adepts in historical research, or that they should be imbued with that which is so rare in this country, the historic sense and spirit, abundant, in this our day, nowhere but in Germany?

71. It may be said that Judges can and will avail themselves of the labours of others; but they are unhappily not in the ordinary condition of courts of first instance, who can collect evidence of all kinds at will. They are confined to published labours, when they go beyond the *ex parte* statements with which counsel may supply them. Still, they are sure to do their best; and they may get on well enough, if the subject happens to be one of those which have been thoroughly examined, and where positive conclusions have been sufficiently established. But what if, on the contrary, it has been one neglected for many generations? if the authorities, so far as they go, are in serious if not hopeless conflict? if the study of the matter has but recently begun, and that only amidst the din and heat, and for the purposes, of the actual controversy? What is the condition of a Judge when he has to interpret the law by means of *data*, which only the historian and the antiquarian can supply and digest respectively, and when those valuable labourers have not digested or supplied them?

72. For example, what if he have to investigate the question how a surplice is related to an alb, how far the use of either accompanies or excludes the cope or the chasuble (as a coat excludes a lady's gown), or in what degree the altar-wise position of the holy Table had been

established at the time when the Commissioners at the Savoy were engaged in the revision of the Liturgy? In this country a barrister cannot be his own attorney; yet a judge may not only have to digest his own legal apparatus, but may also be required to dive, at a moment's notice, into the *tohu-bohu* of inquiries, which have never yet emerged from the stage of chaos; and the decision of matters of great pith and moment for Christian worship and the peace of the Church comes to depend upon what is at best, by no fault of his, random and fragmentary knowledge.

73. Any reader of the Purchas Judgment on Appeal will perceive how truly I have said that it rests mainly, not on judicial interpretations, but on the results of literary research. In such interpretations, indeed, it is not wanting; but they are portions only of the fabric, and are joined together by what seems plainly to be literary and antiquarian inquiry. The Judicial Committee decide, for example, with regard to sacerdotal vestments, that the Advertisements of 1564 have the authority of law; and to this decision the mere layman must respectfully bow.\* But they also rule that the Advertisements in and by prescribing the use of the surplice for parish churches, proscribe the use of the cope or the chasuble, and that the canons of 1603-4 repeat the prohibition.† Now, this is a proposition purely antiquarian. It depends upon a precise knowledge of the usages of what is sometimes termed "ecclesiastical mil-

\* 'Brooke's Reports, pp. 171, 176.

† *Ibid.* p. 178. "If the minister is ordered to wear a surplice at all times of his ministration, he cannot wear an alb and tunicle when assisting at the Holy Communion; if he is to celebrate the Holy Communion in a chasuble, he cannot celebrate in a surplice."

linery." Can Judges, or even Bishops, be expected to possess this very special kind of knowledge, or be held blamable for not possessing it? I think not.

74. But when even Judges of great eminence, of the highest station, and of the loftiest character, holding themselves compelled to decide, aye or no, on the best evidence they can get, as to every question brought before them, proceed to determine that the use of the surplice excludes the use of the chasuble, this is after all a strictly literary conclusion, and is open to be confirmed, impaired, or overthrown, by new or widened evidence, such as further literary labour may accumulate. And, indeed, it appears rather difficult to sustain the proposition that the surplice when used excludes all the more elaborate vestments, since we find it actually prescribed in one of the rubrics at the end of the Communion Office in the Prayer Book of 1549, that the officiating minister is ordered to "*put upon him a plain alb or surplice with a cope.*"

75. Again, the Judicial Committee, in construing the rubrics as to the position of the minister, states that before the revision of 1662, "the custom of placing the table along the east wall was becoming general, and it may fairly be said that the revisers must have had this in view." This, of course, is a pure matter of history. Before and since the Judgment was given, it has been examined by a variety of competent writers; and I gather from their productions, that had these been before the tribunal in 1871, it must have arrived, on this point, at an opposite opinion. The conclusion of Mr. Scudamore, indeed, is that the present position of the altars is the work of the eighteenth century.

76. The literary conclusion with respect to the surplice appears to be the foundation-stone of the Purchas judg-

ment with reference to vestments. But it seems to be also collaterally sustained by three other propositions: one of which is, that the articles of Visitation, and the proceedings of Commissions, in and after the reign of Elizabeth, prescribe the destruction of vestments, albs, tunics, and other articles, as monuments of superstition and idolatry; the second, that the requisitions of Bishops in these parochial articles are limited to the surplice; the third, that there is no evidence of the use of vestments during the period. Now each and all of these are matters, not of law, but of historical criticism.

77. The critics of the Judgment are numerous; and few of them, perhaps, make due allowance for the difficulties under which it was framed. Their arguments are manifold, and far beyond my power fully to cite. Among other points, they admit the second of these three propositions, and consider that the attempts of the ruling authorities were limited, as regards enforcement, to the surplice; but hold that in those times what the law prescribed was one thing, and what it enforced, or attempted to enforce, was another. Mr. MacColl\* cites a remarkable example; namely, that while the Rubric required the priest to read daily four chapters of Holy Scripture, the Advertisements aimed at enforcing only two. The orders of destruction raise a point of great importance, which demands full inquiry. As far as I have noticed, they seem uniformly to include "crosses" as "monuments of superstition and idolatry;" yet the Judicial Committee in *Westerton v. Liddell*, and in *Herbert v. Purchas*, both decide that crosses for decoration of the building are lawful.

\* 'Lawlessness, Sacerdotalism, and Ritualism,' p. 76.

78. As regards the actual use of vestments, Mr. Mac-Coll (while presuming that, in a penal case, it is evidence of disuse, not of use, that is demanded) supplies what he thinks ample proof;\* and it is noticed that in the Judgment itself there is evidence, viz., that of Dering (1593) and Johnson (1573), sufficient to impede an universal assertion. But into these matters I do not enter. There is much more to be said upon them. My purpose is not one of controversy. I confine myself to urging the necessity of further historical and archæological inquiries, as absolutely necessary in order to warrant any judgments restrictive, in whatever sense, of the apparent liberality of our laws and practice; and I rejoice to see that for this end so many persons of ability, beside those I have named, are bringing in their respective contributions.†

79. I suppose it to be beyond doubt that in our times the acts of the officers of the law may be taken as evidence of what the law is, or is reported to be. The burning of printed editions of English books by the Customs would prove that the importation of such works was prohibited. But history seems to show that this apparently obvious rule cannot be applied to times like those of the Reformation without much caution and reserve. For example. The Purchas Judgment states that the law required the use of copes in cathedral and collegiate churches, and generally treats authorised destruction as evidence of illegality; but it appears‡ that the Queen's Commissioners at Oxford, in 1573 (when the anti-papal

\* 'Lawlessness, Sacerdotalism, and Ritualism,' pp. 59-70.

† For example, Mr. Beresford Hope and Mr. Morton Shaw. Mr. Droop has produced some useful illustrations, unhappily not well arranged.

‡ Droop on Edwardian Vestments, p. 26.



tide was running very high); ordered in the College Chapel of All Souls that all copes should be defaced and rendered unfit for use.

There are three cautionary remarks, with which I shall conclude.

80. The first is that, unless I am mistaken, the word evidence is sometimes used, in judgments on ceremonial, in a mode which involves a dangerous fallacy. It seems to be used in a judicial sense, whereas it is really used in a literary sense. As respects the testimony given in a case, the Judge deals judicially, and with his full authority as a Judge; but the illustrative matter he collects in these suits from books or pamphlets, laborious as he may be, and useful as it may be, is not evidence except in the sense in which Dr. Schliemann thinks he has plenty of evidence as to the site of Troy; it is historical inquiry, or literary or learned speculation.

81. The second is that, if I am right in laying down as the grand requisite for arriving at truth in these cases the historian's attainments and frame of mind, the Judge, and the lawyer, labour in these cases under some peculiar difficulties. It is almost a necessity for the Judge, as it is absolutely for the advocate, that every cause be resolved categorically by an Aye or a No. But the historical inquirer is not conversant with Aye and No alone: he is familiar with a thousand shades of colour and of light between them. The very first requisite of the historic mind is suspense of judgment. Judicial business requires, as a rule, a decision between two—it is the judgment of Solomon; but the historian may have to mince the subject into many fragments, according to the probabilities of the case; he deals habitually with conjectures and likelihoods, as well as positive assertions. The Judge

has to give all where he gives anything, and his mental habit forms itself accordingly; but the "I doubt" which was so much criticised in Lord Eldon, is among the most prominent characteristics of the philosophic and truth-loving historian.

82. Lastly; after the famous judgment Mr. Burke has passed upon the immense merits, and besetting dangers, of the legal mind, with direct relation to the character of Mr. Grenville, that great master proceeds to state that "Mr. Grenville thought better of the wisdom and power of human legislation than in truth it deserves." \* Most eminently does this seem to me to be true, in observing the manner after which our Judges sometimes deal with ancient laws. Such as the character and efficacy of law is now, such they are apt to assume it always must have been. It has not been their business to consider the enormous changes in the structure of society, on its toilsome way through the rolling ages, from a low to a high organisation.

83. The present efficiency of law presumes the full previous inquiry and consultation of the deliberate power, and the perfect strength of the executive. But that strength depends on the magistracy, the police, the judiciary, the standing army; upon the intercommunication of men, of tidings, of ideas, by easy locomotion; upon a crowd of arrangements for the most part practically unknown to the loosely compacted structures of mediæval societies. The moral force, which abode in them, had little aid, for the purposes of the supreme power, except on the most pressing emergencies, from material force; partial approximations were then only

\* Speech on American Taxation. Works, vol. ii. p. 389.

possible, in cases where the modern provisions for instant and general obedience are nearly complete. The law of to-day is the expression of a supreme will, which has, before deciding on its utterance, had ample means to consult, to scrutinise the matter, to adapt itself to practical possibilities; and it is justly construed as an instrument which is meant to take, and takes, immediate and uniform effect. But the laws of earlier times were to a great extent merely in the nature of authoritative assertions of principle, and tentative efforts towards giving it effect; and were frequently, not to say habitually, according to the expediencies of the hour, trampled under foot, even by those who were supposed to carry them into execution.

84. Take the great case of *Magna Charta*, in which the community had so vast an interest. It was incessantly broken, to be incessantly, not renewed, but simply reaffirmed. And law was thus broken by authority, as authority found it convenient: from the age when Henry III. "passed his life in a series of perjuries," as is said by Mr. Hallam,\* to the date when Charles II. plundered the bankers, *Magna Charta* was reasserted, we are told, thirty-two times, without having been once repealed. But we do not therefore, from discovering either occasional or even wholesale disobedience, find it necessary to read it otherwise than in its natural sense.

85. The reign of Elizabeth bisects the period between *Magna Charta* and ourselves. But very little progress had been made in her times towards improving the material order of society; and, from religious convulsion, they were in truth semi-revolutionary times. Acceding

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\* 'Middle Ages,' ii. 451-3.

to the throne, she had to struggle with an intense dualism of feeling, which it was her arduous task to mould into an unity. The clergy, except a handful, sympathised largely with the old order, and continued very much in the old groove throughout the rural and less advanced districts. To facilitate her operations on this side, she wisely brought in the Rubric of Ornaments. But there had also sprung up in the kingdom, after the sad experience of Mary's reign, a determined Puritanism, lodged principally at the main centres of population, and sustained by the credit of the returning exiles (several of them Bishops), and by the natural sympathies of the Continental Reformation. Where this spirit was dominant, the work of destruction did not wait for authority, and far outran it.

86. In truth, the powers of the Queen and the law were narrowly hedged in, on this side as well as on the other. What could be more congenial to her mind and to her necessities, than that, for all this second section of her people, she should wink hard at neglect in a sore point like that of vestments, and that in proceeding to the Advertisements of 1564, though obliged to apply a stronger hand, she should confine herself to expressing what she thought absolute decency required, namely, the surplice, and leave the rubric and the older forms, to be held or modified according to the progressive action of opinion? Considering the violent divergencies with which she had to deal, would it not have been the ruin of her work if she had endeavoured to push to the extremes now sometimes supposed the idea of a present and immediate uniformity throughout the land? This I admit is speculation, on a subject not yet fully elucidated; but it is speculation which is not in conflict with the facts thus

far known, and which requires no strain to be put upon the language of the law.

87. "England expects every man to do his duty;" and this is an attempt at doing mine, not without a full measure of respect for those who are charged with a task now more than ever arduous in the declaration and enforcement of the Act of Uniformity. To lessen the chances of misapprehension, I sum up, in the following propositions, a paper which, though lengthened, must, I know, be dependent to a large extent upon liberal interpretation.

(I.) The Church of this great nation is worth preserving; and for that end much may well be borne.

(II.) In the existing state of minds, and of circumstances, preserved it cannot be, if we now shift its balance of doctrinal expression, be it by an alteration of the Prayer Book (either way) in contested points, or be it by treating rubrical interpretations of the matters heretofore most sharply contested on the basis of "doctrinal significance."

(III.) The more we trust to moral forces, and the less to penal proceedings (which are to a considerable extent exclusive one of the other), the better for the Establishment, and even for the Church.

(IV.) If litigation is to be continued, and to remain within the bounds of safety, it is highly requisite that it should be confined to the repression of such proceedings as really imply unfaithfulness to the national religion.

(V.) In order that judicial decisions on ceremonial may habitually enjoy the large measure of authority, finality, and respect, which attaches in general to the sentences of our courts, it is requisite that they should have uniform regard to the rules and results of full historical investiga-

tion, and should, if possible, allow to stand over for the future matters insufficiently cleared, rather than decide them upon partial and fragmentary evidence.

[POSTSCRIPT.—The *Quarterly Review* for July 1875 (p. 288 n.) observes that I have “stated the difficulty of acquiring knowledge on these subjects,” and have “also illustrated it.” Three instances are given :—

1. In relating a proceeding of the year 1573, I have “elevated” a college chapel into a collegiate church. This the Reviewer shows to have been contrary to the law of 1573, by referring to the Canons of 1603, and to the Act of Uniformity of 1662, which draws the distinction clearly. No such distinction is drawn in the Act of Elizabeth, which says, “In any cathedral or parish church, or other place within this realm,” &c. It has therefore to be considered whether, unless and until the law dealt with them separately, churches under the charge of a body of clergy were or were not collegiate churches. The Rubric of 1559, prescribing weekly communion in cathedral and collegiate churches, added the reason of the provision, “where be many priests and deacons”: a description eminently applicable to colleges. This question, I presume, can hardly be decided by the reviewer’s very original method of referring to enactments made, one thirty and the other ninety years afterwards.

But it is a question of law, on which I can only guide myself by the opinions of others. And the Reviewer is wrong in saying that I stated the difficulty of “acquiring knowledge” on these subjects. My remarks refer entirely to historical and antiquarian knowledge, from which I have been careful to distinguish matters of law.

The Reviewer’s second point is that I have quoted as accurate a statement of Mr. MacColl, that, as the Rubric required the clergy to read four chapters of Holy Scripture daily, and the “Advertisements” two, we have here a case in which the statute prescribed a major amount of observance, but the subaltern or executive authority was content with a minor amount. The Reviewer holds that the provision of the Advertisements was cumulative; and that it was obligatory on the Clergy of England, under severe penalties,

to read, in all, six chapters of the Bible daily. His proofs are (p. 253) that—

1. The two chapters are to be read “with good advisement to the increase of my knowledge.”

2. That “the service appointed” was to be read clearly and audibly, “that all the people may hear and understand.”

On this ground he dismisses the opinion contrary to his own as “a gross misrepresentation.” I leave it to Mr. MacColl to develop and sustain his statements; but to me the contention of the Reviewer seems to border on the incredible; and the “gross misrepresentation” to be a reasonable construction, if we bear in mind, what the Reviewer forgets or omits, namely, that the rubrical obligation of the clergyman as such—not of the officiating “curate” merely, with whom he confounds the wider class—was to say daily the morning and evening prayers in public or *in private*.

His third allegation is: “It is admitted that surplice and cope are to be worn together in cathedrals.” Admitted by whom? By him, perhaps, after he has been informed of a Rubric of 1549, which perhaps he had also omitted to observe. But I was remarking on the Purchas Judgment, and no such admission is contained in the Purchas Judgment. It says, “The Vestment or Cope, Alb, and Tunicle, were ordered by the First Prayer Book of Edward VI. . . . The Canons . . . ordered the surplice *only* to be used in parish churches.” (Brooke’s ‘Judgments,’ pp. 175–6.) The Canons say nothing (Canon 58) of the surplice *only*. But the Judges put in the word *only*. If the Reviewer is right, this was a reckless or fraudulent interpolation. But he is wrong, and why? Because they evidently believed the use of the surplice excluded the use of the other vestments. This they have declared in express terms (see note, p. 95) as to chasuble, alb, and tunicle; and from the words I have quoted, “the Vestment or Cope,” it seems they were not aware of any distinction between cope and chasuble: as again they dwell upon “the determination to remove utterly . . . *all* the vestments now in question.” This, I may add, they think was proved by the Lincoln MS. which Mr. Peacock has published. Evidently the Judges proceeded upon the report of some most ill-informed informant, and had not read—as how could they read?—the work itself. For Mr. Peacock’s volume, which they cite to show the destruction of “all the vestments,” refers to some

hundred parishes only, and, in no less than about a score of these, reports that the cope was still retained.

I am sorry to have detained the reader with this exposure of the errors of a Reviewer, who really has not the same excuse, as may be reasonably alleged on behalf of the Judges of Appeal, for the misapprehension and consequent misstatement of history; in a discussion very wearisome in itself, but on which unhappily great practical issues are made to depend by the error of one party or of both.]





## IV.

### ITALY AND HER CHURCH.\*

1875.

1. LET no susceptibilities, Puritan, Protestant, Anglican, or other, be startled if we observe that Rome is and may long be, in some important respects, the centre of the Christian world. It is indeed a centre which repels as well as attracts; which probably repels even more than it attracts; but which, whether repelling or attracting, *influences*. It need not be feared; but it ought not to be overlooked: \*as the navigator fears not the tides, but yet must take account of them. It influences that wide Christendom in which England, with its Church, is but an insulated though not an inconsiderable spot.

\* Reprinted from the *Church Quarterly Review* for October 1875: article on—(1) ‘Discorsi del Presidente del Consiglio, Marco Minghetti, sulla Politica Ecclesiastica.’ Roma, Tip. Botta, 1875. (2) ‘Discorso del Deputato C. Tommasi-Crudeli sulle Relazioni dello Stato colla Chiesa.’ Roma, Tip. Botta, 1875. (3) ‘Discorso del Deputato Guerrieri-Gonzaga sulle Relazioni dello Stato colla Chiesa.’ Roma, Tip. Botta, 1875. (4) ‘I Parroci Eletti e la Questione Ecclesiastica.’ Di Carlo Guerrieri-Gonzaga. Firenze, Civelli, 1875. (5) ‘Lettera della Fabbriceria di S. Giovanni del Dosso al Sindaco di Quistello.’ Mantova, Tip. Segna, 1873. Corresponding letters from Paludano, March 1874, and Frassino, March 1874. (6) ‘Statuto Dogmatico-Organico-Disciplinare della Chiesa Cattolica Nazionale Italiana.’ Napoli, Morano, 1875. (7) ‘Otto Mesi a Roma, durante il Concilio Vaticano.’ Per Pomponio Leto. Firenze, Le Monnier, 1873. (8) ‘Cenni Biografici Documentati di Monsig. Domenico Panelli, Arcivescovo Cattolico di Lydda.’ Estratto dal Periodico L’Emancipatore Cattolico, Anno xiv. No. 15. (9) ‘Libera Chiesa in Libero Stato: Genesi della Formola Cavouriana.’ Di Guido Padelletti. Estratto della Nuova Antologia. Firenze, Luglio, 1875.

2. The political power of England is great; but its religious influence is limited. The sympathies even of nonconforming England with Continental Protestantism are, and must be, partial: the dominant tone and direction of the two are far from identical. The Church, though in rather more free contact than our Nonconforming bodies with the learning of Protestant Germany, is of course more remote from its religious tendencies. The Latin communion forces the Church of England more and more into sharp antagonism: and we are only beginning to sound the possibilities of an honourable, but independent, relation of friendship with the East. In matter of religion, poetry might still with some truth sing of the *penitus toto divisos orbe Britannos*. We of all nations have the greatest amount, perhaps, of religious individuality, certainly of religious self-sufficiency. A moral, as well as a natural, sea surrounds us; and at once protects and isolates us from the world. But this is, of course, in a sense which is comparative, not absolute. The electric forces which pervade the Christian atmosphere touch us largely, outer barbarians though we be; and they touch us increasingly. And a multitude of circumstances make us aware that, if we are at least as open to criticism as our neighbours, yet we have like them a part to play in Christendom, and a broad field to occupy with our sympathies, under the guidance of such intelligence as we may possess.

3. In the endeavour to discuss the scope and limits of this field, we should above all things beware of the temptation to exact from others either the adoption, or even the exact appreciation, of our insular and national peculiarities. Community of first principles is that for which we needs must look, not identity in the form of development. Now, in the religion of the Reformed

English Church, the conservation of authority is a first principle, and the restoration of freedom and of the respect due to the individual conscience is another: and if there be anything, claiming the name and dignity of a first principle, which it has been specifically and more than others given to the Church of England to uphold, it has been the maintenance, in their just combination, of these two great vital forces, and the endeavour to draw from their contact an harmonious result.

4. Let us now, turning our eyes towards Italy, inquire whether we have anything, or anything special, to do with it in reference to the religious question which lies so perilously near its seat of national life. And first, Italy is the country, in the very heart of which has been planted that ominous phenomenon, unparalleled in history, the Temporal Power of the Popedom. In the claim of the Latin Church to territorial sovereignty, the nations of Europe generally may be thought not to have any other than a secondary concern. But for Italy it is palpably matter of life and death. We do not enter into the question whether any of the possibilities of the past years would have permitted the coexistence of a solid Italian nationality with a Popedom exercising temporal dominion. It doomed her to the weakness, and the dishonour, of existing only in fractions. If the head was to be independent of the body, the members of the body loved also to be independent one of another. The subtle observant intelligence of Macchiavelli, and more than two centuries before him, the vast, all-embracing genius of Dante, saw in the Triregno the bane of their country. It seems as though their prophetic insight had been fully vindicated by the picture we now behold, where the Pope-King and the National-King, confronting one

another on the same spot of ground, represent an incompatibility that cannot be overcome or even softened. Italy must cease to be a nation, or the Papacy must consent to the mutilation of the triple crown.

5. So far as this problem is one of material forces, it seems to depend primarily on Italy herself. And in this view it has been settled; settled, with a settlement taken to be final. But it does not depend wholly or ultimately on Italy. There is a doctrine which had at one time the countenance even of Montalembert, and which we do not know that he ever retracted. According to this doctrine, all members of the Latin communion, dispersed throughout the world, are invested with a right of proper citizenship in Italy; which deprives the people of that Peninsula of their moral title to dispose of their own soil, and which authorises this fictitious entity, this non-resident majority, to claim that in the very heart of the Peninsula a territory shall be set apart from their jurisdiction, for the purpose of subserving the spiritual interests of Roman Catholics and of their wide-spreading Church. The votaries of this doctrine hold with perfect consistency, that such a right, being one of proper citizenship, may be enforced by the sword.

6. Nor is this a mere opinion of the schools. Neither is it a tradition which, having once lived, is now dead. In 1848, the people of the Papal State overthrew the sacerdotal government, constituted themselves into a Republic, and evinced every disposition to keep the peace, and to respect the rights of neighbours. But the swords of four States were at once drawn upon them. France, Austria, Spain, and the Kingdom of Naples, upon the preposterous plea of being invested, as Catholic nations, with a title to dispose of the civil interests of several

millions of men, put down the free State in 1849. The operations of Naples and of Spain were feeble and insignificant. The interventions of Austria, due in great part to her false position as the mistress of Lombardy and Venetia, reached their final term many years ago, and nothing can be more unlikely than their renewal. But France, which had no territorial interest to defend, and which is supposed to be rather more "exempt than any country in Europe from the weaknesses not only of enthusiasm, but of belief, maintained by sheer force the Papal throne, until the exigencies of the German crisis compelled her in 1870 to evacuate Civit  Vecchia. May she not, or can she not, ever do this again? A question of vast and profound interest to Europe, and one of those questions, to the cry of which England cannot altogether shut her ears.

7. Certain it is that France can never perform the same operation with the same ease, as in 1849. At that time Italy had no friend among the nations, except England. Even in England, sentiment was far from being united. The Conservative party, even as it was represented in its most liberal members, such as Lord Aberdeen, was opposed to the popular sentiment of Italy; and to this division it may have been owing that Lord Palmerston, who sympathised warmly with that sentiment, and refused to admit the doctrine that England had, as a Protestant Power, no title to act in the matter, nevertheless confined himself to contending that the Papal Government should, upon its restoration, be reformed, and the spiritual authority severed from the powers and institutions of the State.\* Russia had the spectre of Poland

\* Phillimore's 'International Law,' vol. ii. p. 501.

in her eye, and was associated in all European questions with the anti-popular and anti-national cause. Prussia, at that time, considered herself to be so bound by German sympathies, as to hold that the possession of the Quadrilateral\* by the Emperor of Austria was a German interest. It was therefore easy for France to subjugate by sheer force the Roman people. At the price of this unwarrantable act, the government of Louis Napoleon, then President, purchased the Ultramontane support, which upheld him on his way to the Second of December, and probably so turned a wavering scale in his favour as to give him the Imperial throne.

8. The face of Europe has now, in this as in other respects, undergone a great change. Italy is endowed with the sense, the responsibility, and the power of national existence; and, though still beset by the gravest financial difficulties, cannot without a struggle submit to disintegration. Neither Austria nor Russia are any longer her enemies. Germany, victorious over France in a single-handed fight, has been and is her friend; and is bound by the strongest considerations of self-interest to assist her against any attempt to restore the Papal throne by means of foreign force. This audacious claim is, indeed, not the only claim of Vaticanism, which menaces in principle the civil rights and order of Christendom. But it is the only one which directly and immediately betrays its purpose; and the restoration by a French army of the Temporal Power would unquestionably compromise the very existence of the German Empire.

9. Add to this, that France has no just or real interest

\* The name, now happily almost forgotten, was given to the four fortresses of Mantua, Verona, Peschiera, and Legnago.

in the accomplishment of this flagitious design. Nor is it sanctioned by the general sense of her people. There is no reason to doubt that the great majority of them view it, on the merits, with decided disapproval. But then there is no reason to suppose that the general sense of Frenchmen was favourable to the act of violence committed in 1849. The Ultramontane sect evidently directed it. The support of that sect was necessary to give a majority to Napoleonism; and the Government, once installed, carried the reluctant country with it into the war, even as, on the later and greater occasion of 1870, she was precipitated into the destructive strife with Germany, from motives mostly identical on the part of the projectors. • France, with all her wonderful, and in many respects unrivalled gifts, has yet, after a ninety-years' apprenticeship, to learn the first lessons of the alphabet of political freedom;\* and her relation not long ago to the candidates for her government was well illustrated by Montalembert as that of a railway train, with the steam up and all things ready, waiting only for the driver of the engine, when he who can first step up becomes, and for the time, remains, absolute master of the situation.

10. That powerful setting of the current of human motive and inclination, which we ill term Fate, seems at least, to determine France towards another deadly contest with Germany for the hegemony of the Continent. No doubt her words, and, what is more, her thoughts to-day

See a like statement, and a note limiting it to the past, vol. iv. p. 232. The paragraph which here follows not only is, but was at the time, tainted with a radical defect, in pointing to one solution only of a very formidable problem. But others are doubtless possible. May that solution be attained which is best for religion, for freedom, and for peace.—W. E. G., 1878.]



are those of peace; but her under-thought, so to speak, the embryo of her mind in the future, which waits for its development, and for an atmosphere to live in, is war: war for recovery, perhaps more than for supremacy. When the time of that terrible war shall arrive, the very instinct of nature will teach her to strengthen herself by association with all the elements congenial to her purpose. Now such an association can hardly arise in the normal shape of alliance between State and State. Under this head she may possibly reckon, according to general appearances, upon the sympathy of Spain. But a country which, after having risen so high, has sunk so low, and which resembles France at present only in its incapacity of self-government, can count for little.

11. The true ally of France will be an ally without a name; it will be the Ultramontane minority which pervades the world; which triumphs in Belgium; which brags in England; which partly governs, and partly plots, in France; which disquiets, though without strength to alarm, Germany and Austria; which is weaker perhaps in Italy than in any of those countries; but which is everywhere coherent, everywhere tenacious of its purpose, everywhere knows its mind, follows its leaders, and bides its time. This minority, which hates Germany and persecutes Italy, will by a fatal and inevitable attraction be the one fast ally of France, if ever France be again so far over-mastered by her own internal foes, as to launch again upon a wild career of political ambition wearing the dishonourable and fictitious garb of religious fanaticism. Thus, then, there are two great forces which, when the occasion comes, will menace peace: the political resentment and self-recovering energy of France, which has Germany for the object of its hos-

tility; and the venomous ambition of Curialism, determined to try another fall before finally renouncing its dream of temporal dominion, which drives at Italy. And these two may, in ill-assorted wedlock, even while hating one another all the time, band themselves together, in pursuit of their entirely distinct objects, by a common and identical line of action.\*

12. Ever since Italy, not wholly by her own might, achieved her national unity, her successive governments seem to have cast beside and behind them, as evil dreams, all these dark speculations on the future. In this course of proceeding, they have probably represented and reflected, with general accuracy, the sentiment if not of the nation, yet of the governing classes of the nation. That such a sentiment should have had currency in Italy is among the most singular phenomena of the day. Germany and Austria, which are not menaced by the claims of Vaticanism, except in common with all civilised nations, have deemed it needful to defend themselves, by regulative or repressive laws, against the encroachments of

\* [The events which have occurred in France since 1875 cannot, perhaps, be said to have removed all risk of the contingencies contemplated in paragraphs 10, 11. But, as regards the question between the two nations, they have widened the area of hope for peace, and the practical admission of sound principle in regard to territorial distribution. As regards the likelihood which was so seriously estimated by me, an attempt to seek for a restoration of the Temporal Power by violent intervention from abroad, it has happily been reduced in a larger measure, first by the triumph of the principles of free government in France, and secondly by the change in the occupancy of the Papal Chair. The initiative of 1859 laid upon Italy a debt of gratitude to France, which remains weighty and substantial after allowing for every set-off; and it may now be hoped that the two nations, alike pledged to the cause of free government, will never be divided by an unnatural cause of quarrel.—W. E. G., 1878.]

ecclesiastical power. But Italy has pursued the negative or neutral course. She stands by, and folds her arms. And yet she is the country whose very heart it is the fixed desire and design of the Roman Curia, and of its abettors throughout Christendom, to tear out of its bleeding body, for the purpose of erecting anew the fabric of the Temporal Power now crumbled in the dust. This indifference towards the Church, in the sphere of religion, has been accompanied to some extent with severity, and even with harshness, at its point of contact with property which could be made available for the needs of the State. But let us for the present contemplate it by itself, and give it the examination which, in the view of history and philosophy, it so well deserves.

13. The indifference of Italy, then, to Papal claims is in our view due to her proximity to the local source from whence they proceed; and springs partly from the knowledge, partly from the illusions, which belong to that proximity. The master spirit of Dante, near six hundred years ago, knew how to distinguish between the Curia or Popedom, with its surrounding organisation, and the Christian religion as professed in the Western Church. But this privileged power of discrimination was committed only to the highest minds. Even for Dante it would probably have been far more difficult now to draw this great distinction, to denounce his Antichrist without losing hold of his Beatrice, his impersonated Christianity, than it was at the period when he lived. At any rate, as matter of fact, it is undeniable that, among the governing classes of Italians, this distinction has not, from 1860 onwards, been effectually drawn. Profligacy, corruption, and ambition, continued for ages, unitedly and severally,

their destructive work upon the country, through the *Curia* and the Papal Chair; and in doing it they of course have heavily tainted the faith, of which that Chair was the guardian. For a long time the principle of belief remained so vigorous in Christendom, that it was able to bear up against these terrible deadweights, and yet to retain its buoyancy. But, as its inward energies declined, it gradually became unequal to sustaining the unnatural burden: its power of floatation, to use a nautical term, became less and less. The ill-starred alliance between Curialism and the Dogma could not be dissolved. Curialism long lived upon the credit of the Dogma: in the discredit and repudiation of Curialism, the Dogma has now been largely effaced from the educated mind of Italy.

14. Therefore it is that the peculiar indifference of Italy is due partly to its special knowledge, partly to its besetting illusions. She has lived with Dagon at her centre: she has been able daily to see, hear, touch, and handle him: she has taken the measure of his pretensions: she knows the materials he is made of. Of interdicts and excommunications she has had the largest experience; and, though feared elsewhere, they have lost their terrors for her and for her children. Every thunderbolt of the Vatican, as it was launched to whatever point of the compass, has passed before her eye; and familiarity has bred contempt. She knows that the Œcumenical Council of Trent has excommunicated all who lay hands on the Temporal Power; and she feels herself no worse, perhaps rather the better, for the excommunication. Strong in her sense of national right and independence, in the high endowments of her people, and, to a far greater extent than is commonly known, in the enduring vitality of her

local institutions, she has no fears of aught that may betide her while walking along the road of national dignity and duty, and asserting her indefeasible title to an equal share of the common rights of men.

15. All this is well; and, as to the substance of the issue raised, she is wholly right, the Roman Church is grossly wrong. We cannot deny that, here and there, the Italian State may have used its undoubted right with accidental harshness. The secularisation of the property of the Religious Orders has been of necessity a more or less rude, though highly needful, operation. It would require a very minute knowledge to pronounce in detail upon the complaints raised in their behalf. But there is one case of Italian legislation, which hardly admits of doubt. We learn with some surprise that the Italian clergy, even when having cure of souls, are not excepted from the obligations of the military conscription. This is deplorable. The exemption is allowed in Germany. It is required not by policy so much as by decency. We trust, and we feel convinced, that no long time will be suffered to elapse without an alteration of the law in this respect. But, if we turn our eyes away from this ugly spot, we find much to praise in the admirable toleration and patience of the Italian State. The licence which has been allowed to vituperation and to seditious language, when used by the ministers of religion and their organs, might by some be ascribed to chivalry run mad. But it is really founded in sheer wisdom: in the indisposition to multiply issues of detail when a great principle is at stake, and in the full knowledge of the traditional capacity of the Italian people to estimate Curial menace and vituperation at its true and very moderate value.

16. The great principle which Italy takes for the sheet-

anchor of her Church policy is, the separation of the Church from the State. It was Cavour who first gave authoritative utterance to the doctrine in the shape of a formula, now most famous, *Libera Chiesa in libero Stato*. In considering the adoption and the application of this formula, let us before all things put aside the disposition to test it by the ideas and circumstances of England, or even by those of other European States. Let us even forget that England exists. It was for Cavour, in his great "architectonic" business of nation-making, an absolute necessity.

17. It was open to other countries to enter if they pleased upon the policy, although it be a slippery policy, of *Concordats*, and to aim at adjusting by some written compact the relations of Church and State. Or it was open to them to proceed as Germany and Austria have recently proceeded, and in the teeth of the Pope to enforce by the law of the State what it deemed essential for full civil rights and duties. But Cavour, unlike them, had to begin with a proclamation of war against the Papal chair and the Curia, for the liberation of the Roman people by the extinction of the Temporal dominion. They had got their capitals; he wanted his. And he knew it could only be had by force. Logic and policy alike required that he should condemn the Temporal Power by recognising the Church as a religious society, and should by the acknowledgment of its liberty in its own sphere give emphasis to his title to prevent it from enslaving men in a sphere not its own. Not a word of exception, then, can be justly taken against the principle announced by Cavour. But on the headlong application of that principle a different verdict may have to be pronounced. It is not necessary for our purpose to inquire whether the great

Minister is responsible not only for the formula, but also for the interpretation.\*

18. If the States of the Church had been inclosed within the territories of the great American Republic, it might have been as easy to apply, as it was to proclaim, the maxim of a free Church in a free State, even while putting down the Papal government and absorbing the territory. For in America the State has never had in its hands any part of what primarily belongs to the Church. In that country, before its great and needful emancipation, the rights of control over religious bodies, according to the constitution of the British Empire, had never been made over to the Colonial Government, and still belonged to the Imperial Crown and Legislature. Thus the fathers of the Republic found themselves free from the embarrassment of inheriting, along with their political independence, any powers and prerogatives properly ecclesiastical.

19. But in the countries of Europe it is not so. In one shape or another, the Regale pervades them all. And it is a power which cannot be regarded as simply external to the Church. Whatever its specific varieties, its main outlines have been everywhere the same. It uniformly

\* This question has been argued, with signal ability, by Professor Padelletti, in the tract which closes the list given in the note on p. 193. It would seem that his generous faith in the virtue and efficacy of liberty led Cavour to believe that it would either infect the Roman Court, or, if not, yet place the bishops and the Church in an attitude of defence. Yet he made reservations which, perhaps, may prove adequate. To the merely vulgar handling of the formula may be applied some striking words of the Duke of Argyll: "It seems almost a law that no utterance of original genius can long escape the fate of being travestied, and turned to nonsense, by those who take it up at second hand."—*Contemporary Review*, July 1875 (p. 363).

embraced, among other matters, the most important rights either of patronage, or of a veto upon patronage, and thus possessed universally a command over episcopal appointments to such an extent as secured a large influence, at the least, in determining the characters of the persons chosen. In the States of Italy, now making up its united Kingdom, the civil power enjoyed, everywhere, as we believe, either the right to nominate the bishops for the Pope's approval, or the right to refuse and exclude them by withholding the *Erequeatur*. It was also the patron of a large number of ecclesiastical benefices. Thus the State had its standing-ground actually established within the ecclesiastical precinct; and it discharged functions which essentially appertained to the equilibrium of powers within the Church, and as among her different orders. The mere withdrawal of the State from its legal and constitutional action could, therefore, supply no solution to the problem of a free Church in a free State, unless it included not merely the abandonment, but the proper disposal of the powers which were actually in its hands.

20. The ancient system of the government of the Church was a constitutional system of balanced powers. The bishop ordained, and in the Western Church instituted the clergy, but the people chose them; later on, the patron, ecclesiastical or lay, in virtue of the endowment, came into the people's place or privilege. The Bishop himself was elected by the clergy, with the concurrence of the people, or their assent. By degrees a state of things came about, in which, as far as Italy was concerned, the people had generally disappeared. Its powers and functions in appointing pastors and governors of the Church, together with those (for the most part) of the



priesthood, had either been inherited by the State, or absorbed by the Pope. In England, lay influence is very largely maintained, among other modes, by lay patronage; but in Italy lay patronage is comparatively rare. Virtually these great powers were held principally by the Pope in the name of the Church, partly by the State on behalf of the people, and, to some extent, of the clergy. As the Pope's best title was that he acted for the prevention of secularism, so the State was undoubtedly a trustee for liberty; and the balance of powers, which was a fundamental law of government in the ancient Church, was, though in a strangely altered form, yet, after a manner, and to a substantial extent, maintained. The question then arose, to whom was the State, in retiring from the sphere of ecclesiastical action, to make over these most important functions?

21. Surely, on every ground of principle, the State, as a trustee, could not obtain a legitimate release, until it should have deposited elsewhere the powers it was about to surrender, in a manner agreeable to the spirit of its trust. If they were to remain simply derelict, they would be the object of a general scramble, resulting in chaos; or else, if there were one of the parties to the strife which was possessed of an effective organisation, while the others were without it, they would assuredly become the prey of that party.

22. We are not without some means of illustrating, from the history of our own country, the very important issue thus raised. We, too, within the last few years, have witnessed the establishment, by regular legislative action, of a "free Church in a free State." The allusion, of course, is to the case of the Church formerly established by law in Ireland. In that country, the civil power,

besides being patron of certain dignities and benefices, had the power of appointing Bishops. It did not, as in England, nominate to the Chapter, who are legally punishable if they do not elect, but whose choice is, notwithstanding, a moral choice, and laden with the moral responsibilities of free and deliberate action. In Ireland, royal nomination at once placed the person designated in the position which, on this side of the Channel of St. George, he holds only when bishop elect. He was in a condition to be confirmed and consecrated. Had the Crown, by the Irish Church Act of 1869, simply extinguished its own action in this matter, it would probably, or possibly, have been open to the archbishops of Ireland, at any rate to them with the aid of their suffragans, to appoint the successors to vacant sees, and thus to found something dangerously near to at least a theoretical absolutism.

23. But the view taken by the British Legislature was that disestablishment did not extinguish right in the Church, and that the prerogative of appointing or nominating could not thus be left to take its chance. In the course of the measure through the House of Lords, that most acute legist, Lord Westbury, contended that Parliament was making a present of the governing power over the Church to a mob. But in truth it was given by the express words of the Act, not to a mob but a community already constituted in three orders, to the Bishops, clergy, and laity; and these were put in a condition by their joint action, as three orders jointly constituting an organised body, to make provision for themselves by voluntary contract. Thus the State, having been trustee for the people, and having theretofore given its authority, in that capacity, to laws for the Church, both left her in

a condition to pass such laws for herself, and took care that the people should be parties to those laws.

24. In Italy a different course has been pursued. The constitution of the Church rests, so far as the State is concerned, upon the statute of Guarantees. By this law, provision was made for the free action, security, and independence of the Supreme Pontiff, and made in a spirit not of justice only, but of lavish generosity, probably with the hope, to which, at least, it was honourable to cling, that by this liberal spirit, conjoined with the force of circumstances, the hard and obstinate spirit of the Curia would at length be brought to some kind of conformity. But another division of the law deals with appointments in the Church. The material portion of it runs as follows:—

“XV. The Government renounces the right of apostolic *legazia* in Sicily, and the right of nomination or presentation in the grant of the major appointments throughout the kingdom.

“The bishops shall not be required to swear fealty to the king.”\*

\* \* \* \* \*

“XVI. The *Exequatur* and Royal *Placet* are abolished, with every other form of governmental assent to the publication and execution of the acts of ecclesiastical authority.”

25. Then follows a reservation, which we believe was not comprised in the original design; and which provides that, until a further legislative arrangement shall be made concerning Church property, the *Exequatur* and the royal *Placet* shall be kept alive, but so far only as regards the

\* ‘Loi relative aux Garanties, May 13, 1871’: Florence, 1871. The French version, from which we translate and cite, has official authority.

enjoyment of the temporalities whether of major or minor appointments. The parochial patronage of the Crown is also retained; but this seems to be of comparatively limited range. Speaking generally, it would appear that the civil power has kept its hold upon the *beneficium*, but has surrendered the *officium*; and the whole of the deep interest, which the Christian people of Italy have in its right disposal, is handed over to the tender mercies of the ecclesiastical authority. Now, this, as we should make bold to contend, was a breach of trust. The share in Church appointments, which the State heretofore had held, should have been given back to those, in whose behalf it held that share, namely to the lower order of the clergy, and to the people.

26. But, no such breach of trust was intended. When the subject of a trust has become absolutely worthless, the trustee is absolved from further duty in respect of it. When he supposes it thus to have lost all value, he will, of course, estimate his own duty as if the value was really exhausted. There is no denying the awkward fact, that the policy of Italian governments with regard to Church power, perhaps with regard to religion in general, has been founded upon an illusion alike palpable and mischievous. They cannot be acquitted of the charge of having surrendered the interests of the people in Church appointments, by leaving those appointments to the Pope and his agents; unless upon the ground, which seems to be the true ground, that they thought these offices had lost their importance, and the religion, that they were to teach, its power.

27. No rational man will quarrel, or take pains, except about things which live. In Italy, the crust of Curialism has so enveloped the Divine treasure of the Gospel, as to

hide it from her most modern Parliaments and statesmen. Against Curialism they know themselves to be well defended by the good sense of the country; of the kernel that lies within Curialism, so long had it been kept from their view, they have seemed to think they need take no account. Religion, they might have thought, if their thoughts are to be gathered from their actions, has played a great part in the past, but has no share in the future, of mankind. New powers and principles have come into action; science, experience, art, culture, civil organisation, have reached a bulk and maturity which displaces religion from the rational and manly mind, and which will prevent any lack of it from being felt. Like an individual man, great when in his flower, but now decrepit, let religion, too, retire becomingly from the stage, and no longer offend us with what has been a subjective, if not also an objective, reality, but what would now be only an imposture.

28. Such, if we set aside the theory of Ultramontaniam, which has certainly not been a direct agent in promoting this course, is the only theory which can justify the surrender of the entire government of the Church, and of the power to fill its offices without check, to the Pope and his agents. Unhappily there is other evidence that this theory has been powerfully operative in Italian policy. It is one thing to separate the Church from the State, it is another to separate religion from education and from life. There has been a tendency to this latter separation too. The faculty of Theology has been extinguished in the Italian universities. We do not doubt, that there may have been a multitude of difficulties connected with its maintenance. But surely it was worth while to encounter some difficulties, rather than to adopt a measure,

which denies to the lay student the means of obtaining scientific instruction respecting his religion; and which, as regards the clerical student, practically excludes him from the possibility of lay contact, and of knowledge of the social body, on and in which he is to act, as well as from the benefits of the higher education.

29. This unhappy measure was not required by the religious divisions of the community, which have required and justified the erection of the University of London in our own time and country without a Faculty of Theology; for there are no such divisions. Setting aside a few purely sporadic efforts, all the religion that Italy possesses is religion according to the creed, and within the pale, of the Roman Church. By destroying these Faculties in the universities, the shallow speculations and most irreflective desires of a certain school of Radicalism, long ago we trust repented of, were encouraged; but the most effective aid was given to the deeper designs of the Roman *Curia*, which aims at nothing so sedulously, prizes nothing so highly, as the total removal of the clergy from the general, open, atmosphere of human life and thought. It was in the theological Faculties of the German Universities that that love of freedom was effectually fostered, which is encouraged by, if not inseparable from, devoted and scientific study. Not in them only had the fiction of infallibility been detected and denounced; but in them only was the denunciation a living reality; in them alone was planted that centre of stout and enduring resistance which has made them a signal of rallying to the combatant, of shelter to the fugitive, of consolation to the fallen. Hefele as a Bishop has given way; but Döllinger, Reinkens, and their friends, have stood their ground; and history may yet have to recog-

nise in these Professors <sup>a</sup> new and true Band of Immortals.

30. It should never be forgotten that this strange dualism in religion, this contrast between a central body given over to the lust of power, and a system of doctrine, still fruitful (with all its drawbacks) of instruction, consolation, and inward renewal for mankind, is confined to the Latin Church. It does not exist among Protestant communions generally, in most of which the ministry has nothing whatever, except moral strength, to depend upon; while in the Wesleyan body, where the pastoral class is fortified with high constitutional powers, due to the spirit of Wesley, they have not sufficed to raise either their practical influence or their ecclesiastical standing to a higher level. It is not felt in the Anglican Church, where the disposition to any gross exaggeration of clerical power has never been operative beyond a narrow circle. It is nowhere discernible in the Oriental communions, where the clergyman is essentially a citizen, and of which the doctrinal aspect presents a closer approximation to Rome, though very far from an identity with it.

31. It is, then, with regret and sympathy, but in no spirit of affected superiority, that we notice the misdirection in some respects, as we deem it, of Italian policy. In careful observation of the world and its life, we shall not rarely find that some of the errors, which are materially the gravest, are morally the least; or, in other and plainer words, that some of the greatest errors we commit are also the most excusable. Moreover, in the case before us, grave as would be the consequences of a blind tenacity, we are under the comforting persuasion that Italy herself has within herself the means of such recovery, as will effectually retrieve the ground that has been lost. In

explaining the signs, which suggest and sustain this persuasion, we shall endeavour to show that the opinions given in the foregoing pages have not been merely the officious observations of foreign criticism, but have had high and weighty countenance in Italy itself, and are not without some promise of becoming the great regulating influence of her policy in the future.

32. The condition of things which we have deprecated is, it will be remembered, a condition of Papal, or rather Curial, absolutism within the Church. In the abstract, this is secured by the declarations of the Vatican Council. To give it effect, nothing more is required than these two very simple arrangements, that the Pope should everywhere appoint the bishops, and the bishops everywhere, or as a rule, the clergy; of their own free will and motion in the two cases respectively, without check or participation from without. And this is the course which, in the main, has been pursued in Italy until a very recent date.

33. We have not yet dwelt upon the important reservation under which the *Eccquatur* and the *Placet* were still kept alive so far as the temporalities of the Church were concerned. The rights of the clergy and people, and of the State on their behalf, extended, indeed, far beyond temporalities. Still, the temporalities were a handle by means of which, when properly used, much of what had been let fall might be recovered. Until a recent period, however, very little use had been made of this instrument. We take the facts from the able speeches of Signor Minghetti, who holds the office of President of the Council, or Prime Minister of Italy. In referring to this distinguished person and his government, we beg it to be understood that we do not presume to charge upon



them any special or separate responsibility. They have been acting as their predecessors apparently had acted, and both alike, it is fair to state, have reflected the spirit of the legislative body and of the classes who there, as here, practically determine the ordinary direction of the policy of the day. Indeed, it is to them that we look with confidence to avail themselves of the fresh vital forces which have been exhibited in the country, and of the co-operative disposition which the Chamber has rather energetically manifested.

34. Let us now hear the facts as they are given by the Minister :—

"Since the law on Guarantees was promulgated,\* there have been nominated by the Pope 135 bishops, and 15 coadjutor bishops with right of succession, that is to say, in all 150. Of these, how many have, directly or indirectly, asked for the *Exequatur*? We shall see farther on, the mode in which it has been asked. It was asked by 94. What has the Government done in these 94 cases? It has granted 28, it has refused 65; one is not yet disposed of" (p. 13).

The Minister proceeds to explain that, in all these 28 cases the several Papal Bulls, or a part of them, always including the Bull of nomination, had been presented to the Government. In two cases they were presented by the Bishop himself: in eight by the Chapters, or by portions of them; in seventeen, by the Syndic of the Commune, with other individuals; in only one, by a private person, who, however, was also a Deputy. The concurrence of the Bishop was exacted in all the cases, and his recognition of the Royal Government. In

\* That is to say, within four years. The Minister spoke on May 7, 1875.

giving the *Erequaturs* and the *Placet*, it is, so the Minister holds, the business of the Government to have regard to the qualities of the person designated, the consent, express or tacit, of the diocese, and the general opinion of the country. He goes on to defend the conduct of the Government in respect to the 28 *Erequaturs* issued.

35. Signor Minghetti had on this occasion to perform a duty which often devolves on the ministers of this country : to defend the Chamber, in effect, against itself. The Government in Italy is loyally chosen by the Sovereign, as it is chosen here. Its ecclesiastical policy was, there is no reason to doubt, a reflection of their will. All therefore was calm. But when a breeze arises, and the air is stirred, and those who represent the movement present a case difficult to answer, the Chamber forgets its moral identification with the Minister in what has previously happened, and leaves him, at least until the voting comes, to bear with little aid the brunt of the attack. Often a representative body is in truth culprit as well as judge. But, in defending the positive action of the Government, the Minister passed lightly and in silence over what it had not done; and he was careful to acknowledge the unfulfilled obligation to propose a complementary law (pp. 20, 21). He went further. He declined indeed, and wisely declined, to undertake a religious reform. But he affirmed that the civil power had already become more stringent in its procedure, and felt the touch of the breath of popular opinion. When the promised measure is introduced—

“ Then will be the opportunity to observe whether, without direct encouragements, without instigation from the Government, there exists in the flocks of the Church such a spirit of initiative, such a vivacity of religious sentiment, as to cause them to resume those rights, which in other times the laity so highly prized ” (p. 21).

36. We believe that Italy would fall into a grave error were she to force upon her Government a policy of interference in religious affairs. But what may be fairly expected of it is that, as it surrenders its inherited powers, it shall proceed on some orderly and well-considered plan, which shall restore them to those to whom they properly belong, instead of leaving them to be engulfed in the devouring maw of the agents of the Popedom. This, it is plain from the ministerial statement, has not yet been accomplished. Fifty-six Bishops have in four years been allowed to enter on the government of their dioceses without any but a Papal title, and without taking the smallest notice either of State, clergy, or people. Sixty-six more have demanded the *Exequatur*, or allowed it to be demanded for them, but with such non-fulfilment of conditions singularly easy, that it could not be given: and these sixty-six also, as far as appears, have been allowed to assume, at the Pope's bidding, their place and functions. Only now do we begin to hear that the Government begins in certain cases, as that of Palermo, to assert its rights, by withholding or reclaiming the episcopal residences. But what has been in itself most startling, as it is also most difficult to understand, is, that bishops who had not obtained, nor even asked, the royal *Exequatur*, have been allowed to nominate parish priests, to these priest-nominees the *Placet* has been given, and they have been allowed to take possession wholesale of the benefices. In other cases, vicars with public salaries are allowed to assume the vacant cures. If, as is somewhere stated, the motive of this lax policy has been a dread lest the country should be denuded of pastors and of religious worship, it is obvious to answer that no such consequence could have followed if the Government had exacted, as a condition of taking

the benefice, that there should be in every case some evidence exhibiting, in however mild a form, the assent of the people to the appointment.

37. Under these circumstances, the people in certain cases have determined that the cup of Papal assumption and aggression should not thus overflow without their making an effort to right themselves: a determination which we hope, together with the orderly and courageous action which has followed it, will serve to bring home to the English mind a fact of which it has been hitherto wholly unaware, namely, that the inhabitants of a large portion at least of Italy have many claims to rank with the most highly and effectually civilised of Europeans.

38. Until recently, the see of Mantua had the fortune to be occupied by a Bishop of moderate sentiments. On a vacancy at his death, the Court of Rome, acting on its now invariable policy, filled the office with a thorough-paced Vaticanist. Monsignor Rota has not obtained, or even asked, the *Acequatur*, but claims nevertheless all the rights and powers attaching to the appointment. In this state of things, the parish of San Giovanni del Dosso became vacant. It was a benefice in the gift of the Bishop, of course presuming him to be regularly appointed to his see. Anticipating the arrival of a pastor after the Vatican's own heart, the people met in the presence of a notary, and, in a manner perfectly orderly, elected for their priest a clergyman named Don Lonardi, in whom they thought they had reason to place confidence. They also chose for his assistant a certain Don Coelli. They do not appear to have desired or contemplated anything in the nature of religious change.

39. Italy is divided into elective communes, and every commune has a Sindaco, chosen by the Government from

among its members, at its head. The parish is in that country an ecclesiastical, but not a civil, unit; and relations with the State are conducted through the commune. These communes, in the Northern and the greater portion of Italy, are very ancient institutions; and the habits of local self-government, inherited from a long series of generations, have without doubt had a large share in endowing the people of that country with a capacity for organising their own government, and managing their affairs without creating any disquietude or apprehension among their neighbours, which has placed them, in this important respect, at the head of the Latin nations of Europe.

40. Through the *Fabbriceria*, or Fabric-Vestry, of the parish, the choice of Don Lonardi at San Giovanni was made known to the Syndic of the commune, which is called Quistello, by the transmission of the *atto di nomina*, together with a letter, which charges upon the Bishop a breach of his word, and sets forth very ingenuously that only after months of correspondence they had thus proceeded to right themselves. They proceed to state that now especially, under the action of the Vatican decree, the inferior clergy had sunk to a position entirely new (Letter, p. 6) in ecclesiastical history, and could not exercise any freedom of thought, even in civil matters, except at the peril of losing their daily bread. To men so enslaved, they declare that they cannot give their confidence or open their minds; nor can they entrust to such men (p. 7) the spiritual care of their wives, actual or betrothed. Such a system would overturn their faith, and make worship odious to the community. They think that a remedy will be found in restoring to the people the choice of their pastor, so that he may no longer be

dependent upon the Bishop at any rate for his means of support, and may moreover have some bonds of attachment to the parishioners, and to the State. But all they ask is the exercise of the civil right, and they would protest against any invasion of the Bishop's title to ordain and to institute (p. 10). Their desires are to return to the primitive discipline of the Church, and to separate effectually the lay from the ecclesiastical power—(pp. 11, 12).

41. Partly from information they have collected, and partly from other information which their proceedings have brought to light, it has been found that in various parts of Italy there is a considerable sprinkling of parishes, where popular election of the clergyman already prevails. Sometimes it is direct, as in the cases of Schivenoglia, Correggioli, Quatreille, and Birbesi. Sometimes the power is exercised on their behalf by the elective body of the commune, as in Pozzuolo and Rolo. All these are in the neighbourhood: and they mention the very singular fact, that the priest of San Giovanni has a concurrent vote with the parishioners of Schivenoglia in choosing the priest of that parish. In the district of Trent, this principle of election prevails (pp. 13–15). Nor are examples wanting of it farther south. In the lovely peninsula of Sorrento, it is thus that the vacancies of many churches are supplied.

42. The following is an account obtained from an authentic source:—

In the parishes of Meta, Carrotto, Trinità, and Mortora, the procedure is as follows:—

“On the death of the priest, the archbishop puts a curate in charge, until a new priest is chosen. Within six months, the archbishop affixes to the church door, on a Sunday, a notice that on

the following Sunday, at 10 A.M., the episcopal vicar appointed by him will arrive at the parish church to collect the votes of the parishioners of the age of twenty-one years complete.

"On the appointed Sunday, the vicar and his secretary take their places on the high altar (*seduti sull' altare maggiore*), with a table before them. He calls the people (*i filiani*)\* assembled in the church one by one, and inquires in a low tone, 'Whom do you wish for your parish priest?' The answer is (suppose) 'Tizio.' Thereupon, always in an undertone, he repeats to his secretary, 'Tizio.' He calls another, and puts the same question. The answer is (say), 'Sempronio.' The vicar repeats this name to his secretary, who notes down the votes given to each candidate. When the voting is over, the vicar and his secretary sum up the numbers; after which the vicar rises and says, in the presence of the people: 'Tizio has obtained seventy votes; Sempronio has twenty-five; Caio nineteen. The election is now closed.'"

43. The list is then carried to the Archbishop: and, if Tizio is deemed fit for the appointment in point of learning, capacity, good conduct, and morality, the Archbishop issues to him the Bull of investiture, and after a few days, again within the parish church, the vicar inducts him. If the Archbishop judges Tizio to be unfit, he takes the next on the list; and so the parish priest is appointed.

After stating another case where secret voting prevails, and an attempt to introduce it in Mortora, which was stopped by the majority as an innovation, the account we have quoted gives the gratifying information that, although the canon law authorises the Archbishop to choose the most worthy of the candidates, in no case has he found reason to do otherwise than institute the person who had received the majority of votes.

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\* The word *filiani*, we presume, is local and technical. It is not found in the admirable *Tramater Dictionary*, published at Naples in 1834.

44. Other instances are before us; such as that of the Church of San Silvestro at Collebrincione, where the Bishop apparently went, on a recent occasion, beyond his rights in proposing to the people a certain Massetti; and they, offended at his interference, elected another person, who, however, was less highly qualified. The Bishop hereupon refused institution; and only after a considerable time the people became convinced that Massetti was the better man, when they chose him themselves, and unanimously. In Santa Maria del Guasto, the members of the University of Aquila, according to a deed of A.D. 1520, appear to exercise the right of election on behalf of themselves and of the people, probably by an encroachment which, through their superior organisation, they may at some time have effected on a more primitive right. We observe with much pleasure that the exercise of this very serious function by the Italian people, in the south as well as the north, is exercised with gravity, order, and moderation. From their example the ratepayers of English parishes have much to learn.

Thus the principle of popular election subsists peacefully, and from an immemorial tradition, in Italy, by the side of the more prevailing but more modern system of nomination: so that, when brought into discussion, it does not grate as a novelty upon the mind of a country, in which the conservative instinct is of no small strength.

45. In November of the same year, 1873, which had witnessed the bold proceeding at San Giovanni del Dosso, the parish of Frassino followed the example, and with a careful observance of similar forms, in the presence of the notary Bertolini of Mantua, elected for their parish priest Don Luigi Ferrabò. The votes in his favour were 203, in a parish with a population of less than 1,200; and they



were unanimous. The letter of their *Fabbriceria* states their case to the *Sindaco* of San Giorgio di Mantova. It points out with some force, that election has now been adopted as the main regulator of the operations of civil society (p. 13); and that, if the Government be disposed to view the application of this principle to the arrangements of the Church with favour, they have only to make over the right of election to the people in those parishes which are in the gift of the Crown (p. 11). They again were followed by Paludano, which, in the month of March 1874, elected Don Paolo Orioli. The several letters to the syndics have it for their object to obtain the sanction of the Government, with a view to the admission of the priest elect to the parsonage, and to other temporalities. They are written in a tone indicative of more or less misgiving as to the probable attitude of the Ministry; which any of those who may hereafter walk in their steps will not, we hope, have any occasion to repeat.

46. We learn that when Baron Ricasoli took the helm in 1861, after the deplorable loss which Italy had suffered by the death of the great Cavour, in drawing the outline of his ecclesiastical policy, he spoke as follows.

“We intend going to Rome, not to destroy, but to construct; to offer the opportunity, to open the way, for the Church to reform herself; to grant her the liberty and the independence which may supply both the means and the incentive for self-renovation in that purity of the religious sentiment, in the simplicity of life, and strictness of discipline, which with so much honour and credit to the Popedom made its early history glorious and venerable.”

47. From the excellent speeches of Guerrieri-Gonzaga, Villari, and Tommasi-Crudeli, lately delivered in the Italian Chamber, we learn how, under the pressure,

perhaps, of urgent political anxieties, this outline has for a time failed to be filled up: and how formidable the results were likely to become. Villari, the author of a work on Savonarola, which has for the first time given to that remarkable man his *assiette* in history, says (p. 13): "Permit me to tell you, the thought which more than any other makes me fear for the future is, that we are now engaged in training a nation to consist of Voltairians and of clericals." "Never," says Tommasi-Grudeli, "did Cavour suppose that the liberty which he promised was to be given only to a faction in the Roman Church" (p. 4), which always screams "for liberty in Protestant countries and stands fast for monopoly and exclusion in those which are Roman Catholic." We have in Italy, in matter of religion, as he well explains, "not one thing but two: the Roman Curia and the Catholic Church. The first is a political institution, enslaved to the Jesuits, and sworn to make war upon modern civilisation. The other is a flock of human beings associated, with more or less of personal conviction or adhesion, in a religion which by no means requires them to be anti-national." He vigorously contrasts the jealous repression of the Red International by Italian law with the profuse liberties of mischief accorded to a sect or conspiracy of far closer organisation, and armed with weapons of a far higher temper. For Italy, he thinks this prodigality has been a piece of gross folly: but as against the Italian Catholic clergy, it has been, he conceives, the consecration of a tyranny without example. Yet that clergy, as he states, and we believe with much truth, was once largely imbued with patriotic feelings, and ought not now to be given over to the oppressor. Some nine thousand of them, it may be remembered, had, under the auspices

of Passaglia, declared against the Temporal Power of the Popedom, years before its actual abolition. There was indeed, according to this speaker, a scheme in 1865 for placing the administration of the ecclesiastical patrimony under the management of diocesan and parochial committees, wholly independent of the Court of Rome; but no step has been as yet taken towards their establishment.

48. The Pope covers all Italy with Vaticanist Bishops, and the Bishops in their turn fill the parishes with Vaticanist priests; and the freedom, which was intended to be given to the Church, has been conferred only on the Court of Rome for the enslavement of the Church, from lack of a right disposition to distinguish between the two, and under the false and mischievous belief that religion is an effete and superannuated thing, which has no longer the power to affect society for good or for evil.

"Priests, whose patriotism had up to a certain point been proof against retrograde suggestions, and against the resentment excited by the suppression of the ecclesiastical corporations, alarmed and irritated at this undeserved desertion, now pass over in troops to the camp of the enemy. Every day lessens the number of a remainder who, as being braver or more conscientious, take refuge in a passive silence; and, if matters continue to go thus, it is easy to foresee that, after some few years, when all the present generation of clergy shall be extinct, and with it extinct also the memory of the sorrows and the joys that priests and laymen had in common when we were trying to make for ourselves a country, the whole religious administration of Italy will be in the hands of men trained to hate and contemn their own land, and driven by a centralised and irresistible authority, to instil this hatred and contempt into the rising generation of Italians."\*

49. To the same effect, the Marquis Anselmo Guerrieri-Gonzaga argued this case in a speech, which serves to

show how completely and effectually the Italians have imbibed the spirit, and possess the power, of true parliamentary debate. He was able to speak from experience of the state of affairs in the dioceses of Pavia and Mantua, where this distinguished family, and especially the Marquis Carlo Guerrieri-Gouzaga, have been able to give valuable countenance and support to the courageous rural communities, whose proceedings we have narrated.

50. It was hardly to be expected that their election of parish priests, which were undoubtedly in one sense aggressive, should pass unchallenged. The Bishop of Mantua had nominated another priest, Don Antonio Prati, to San Giovanni del Dosso; and he, together with a dissenting minority in the parish, brought an action, before the Civil and Correctional Court of Mantua, against Don Lonardi. This minority purported to consist of 17 persons, against the 207 supporters of Lonardi. But it is stated that they were all dependents of two proprietors belonging to the Papal party, and that the real instigator was the Marquis Annibale Cavriani, a well-known clerical partisan.\* When, in the course of the proceedings, it was objected that some of these 17 were not parishioners, their counsel replied that it did not matter; it was enough if some, or one, were. Two, according to the Judge, and two only, were real parishioners of San Giovanni.

51. The object of the action was to oust Don Lonardi, with Don Coelli, from the parsonage, and to deprive him of the use of the church, and of the stipend assigned to him by the Government out of the temporalities of the parish. The arguments, reported in the *Opinione* of June 25, are full of interest, but it will be enough if we cite,

\* 'I Parroci Eletti,' pp. 43, 44.

from the *Diritto* of the 5th of July, the substance of the able Judgment given in the case.

52. The canonical regularity of Don Lonardi's position, of course, could not be affirmed. He had, indeed, received a formal induction, as the Judge tells us in his luminous exposition on March 15, 1874, from the archpriest of Cavriana; but this was while the bishop's nominee, Prati, was still a claimant of the benefice. Together with the priests Lonardi and Coelli, was sued a public officer, entitled the Sub-steward of vacant benefices; but he pleaded by counsel, that the parties had no *locus standi* against him. Lonardi had been subjected to something in the nature of a competitive examination by the bishop, in which he was worsted; and this, among other points, is urged on the side of the prosecution. Not, if we understand rightly, as implying a want of clerical character or qualifications (indeed he had been appointed by the bishop to administer the parish during the vacancy), but on the ground that the other was the better and the lawfully entitled candidate.

53. The Court, first of all, declared its own competency, under the law of Guarantees, to determine the juridical effect of ecclesiastical acts. It finds in the first clause of the *Statuto*, or Constitutional Act, that the Roman Catholic religion is the religion of the State, but that all are entitled to have the observances of religion according to their consciences. This principle of freedom has been provided for by the Siccardi law, the law of Civil Matrimony, and the law of Guarantees. And from this principle, as the Court conceives, it follows that the parishioners of San Giovanni were entitled to meet and choose Don Lonardi to be their spiritual pastor. This right, however, does not of itself imply possession of the

Church: and moreover the minority may, if they please, take Don Prati for their priest by the same right and title, as empowered the majority to choose Don Lonardi. Neither of them will, in the estimation of the law, derive a title from the canons; each will be simply the minister of religion to those who may choose, or may have chosen him. The demand of the prosecutors, that Don Lonardi be interdicted from all spiritual functions within the parish, is reprieved as well as repelled.

54. Addressing himself next to the question of the Fabric, the judge finds there is no legal title to it in any one person or body. But it has been from time immemorial available by law for the use of the parishioners; and by the *Civil Code* (Art. 432), it is appropriated, and belongs to the commune, not to the Church Universal. All property of this kind remains at the disposition of the Communal Council, not of the Pope. And this Council can only be represented by its head, the Syndic; individual parishioners cannot interfere unless in certain ways. These are exceptionally pointed out by the law, and none of them are here in question. Holding the church under the sanction of this authority, Don Lonardi cannot be molested in his use of it. The effect of these conclusions covers the case of the coadjutor, Coelli, who had a like elective title.

55. There remains the question of the parsonage, which is part of the emoluments of the benefice. These emoluments have not been conferred in block by the civil power, which is alone entitled, upon either claimant. But the sub-stewardship (*sub-economato*) of vacant benefices allows to Don Lonardi the occupation of the residence; and it is not in any way responsible to the prosecutors, and ought not to have been included in this action.

56. We are not able even to conjecture whether this remarkable Judgment will be sustained upon appeal; for there appears to be some degree of conflict between the article of the *Statuto*, which declares the Roman Catholic religion to be the religion of the State, and the principle of freedom of conscience as it is interpreted by the Court; to say nothing of the severance of the Church from the State, which is the basis of the law of Guarantees. But the first of these is for Italy only a dead formula of the past, while the second is the declared and energising rule of prospective policy. There can be little doubt that, when the promised and expected plan of settlement is adopted by the Chambers, it must be founded in substance on the principles proclaimed at Mantua, and the union of an Italian parish with the Roman See will then have to depend only upon voluntary ties.

57. It seems difficult to overrate the importance of the results to which the action of these poor and hardy villagers may thus be found to lead. The attitude of the popular mind in Italy has, indeed, no bias towards religious innovation; perhaps we ought to say, it has never become very sensible of the need of religious improvement and reform. But, while contented with the tenets and usages of the Latin Church, taught and administered by such a clergy as they have usually had to do with, the people of Italy appear to have arrived at a state of marked indifference with regard to Papal and episcopal proceedings; and where they know the Bishop to be anti-national, they seem quite prepared to dispense with his aid in the government of their religious concerns. Determined to part neither with their religion nor with their patriotism, they think the lack of canonical institution for their priest a lighter loss. But this state of things

should, perhaps, be regarded as only provisional. Either the Court of Rome must, probably under a new Pontiff, relax the rigour of its Ultramontaniam, and tolerate a race of priests who can live in harmony with the people, or else, if the parishes are left free to continue under Papal jurisdiction, or to decline it at their will, we must prepare to see great organic changes in the government of the Church of Italy. It is probable that such changes in the government of the Church would at some stage be followed by reforms, possibly by something more than reforms, in discipline, nay even in doctrine.

58. These, however, are for the present subjects only of remote and doubtful conjecture. For ourselves, we have no love for fiery agitation in matter of religion, and we would still hope that wise and moderate counsels may avert a dangerous crisis. What we contemplate with deep interest and cordial sympathy is the stout and manful resistance of a handful of Christian flocks to a system of despotism, springing from the Roman Court, and forced upon the Italian priesthood, a system which makes deadly war upon freedom in every shape, not only upon political and civil, but upon personal, inward, intellectual, and moral freedom. If, in the ecclesiastical atmosphere of Italy, the air of heaven is to be breathed without restraint; if, without ceasing to be Christians, men are to remain men and patriots; if the circle of family life is to be independent, if the sanctuary of the private conscience is to be saved from the trampling of the hosts of the Curia, Italy will owe some part of its debt in respect of these great blessings to the humble communities of San Giovanni, of Frassinò, and of Paludano.

59. We learn, indeed, with sincere regret that General Garibaldi has expressed a disinclination to the election



of priests by the people, on the ground that it will tend to strengthen the hold of the Church upon the country. There cannot be a more conclusive proof of the deplorable working of the Papal and Curial policy than that it should have thrown a man of his virtuous and disinterested character into an attitude of such violent and indiscriminating opposition. But his authority in questions of this class is not what might be supposed.

60. Our Scottish readers of the Free Kirk will be apt to compare San Giovanni with Auchterarder. "Behold, how great a matter a little fire kindleth!"\* Amid strong dissimilarities of circumstance, both exhibited a spectacle, edifying in itself, and valuable to a worldly and wealth-worshipping age—the spectacle of a struggle on behalf of the human conscience against the aggression of superior power; and it is remarkable that in neither case was there any uneasiness under the doctrine or the discipline of the respective religious systems. In each, alike, the object was to vindicate what was conceived to be the true and original safeguard of their scheme of government, and to establish the maxim that the people form at least an element in the constitution of the Church. In the case of Auchterarder, where the beacon-light of the Free Church was first kindled, not only did the early formation of a large, vigorous, and highly organised body ensue, but that body, together with its predecessors of the original Secession, has obtained a moral triumph unparalleled in history, through the adoption, by the Legislature of 1874, of an Act which introduces in its full breadth into the National Establishment of Scotland all that the old

\* St. James, iii. 5.

Seceders asked, and more than would have contented the men of Auchterarder.\*

61. We fear it is not likely that the Court of Rome will reverse its policy, or, in homely phrase, eat its words, as completely as the Scotch Establishment has been content, and even keen, to eat its words. What we may hope, but must by no means assume, is that, for the sake of avoiding more profound organic changes, she will stoop to tolerate the existence in the Italian Church of moderate views, and will no longer, by forbidding the Christian to be a patriot, prevent the patriot (as far as in her lies) from being a Christian. But of this we are certain, that she will not, such is the strength of the evil spirit that seems to possess her, be brought into this better and milder mood except under vigorous pressure. The experience of a few years will show whether that pressure is likely to be effectually applied.

62. Undoubtedly the Court of Rome, and its party, have evoked a kind and amount of religious resistance to its extravagant claims, since the Council of 1870, such as had had no example since the Reformation in the sixteenth century. We speak of resistance simply religious, and not of those conflicts with numerous Christian States, which it has so wantonly provoked. Germany and Switzerland are the two countries, in which this resistance is most conspicuous; and in the first of these two, it is by far the most important, resting as it does on the double basis of a considerable popular adhesion, and of a

\* We are aware that, as has been shown by Sir Henry Moncrieff ('The Identity of the Free Church Claim,' Edinburgh, 1875), the ground widened in the course of the Free Church controversy, and it came to embrace other claims, which are not affected by the Act of 1874.

strong learned and historic force, rooted in more than one of the Universities of the land. Until recently it seemed as if the corrosion of indifferentism in the higher circles would in Italy, as it has done in France, preclude the possibility of any extended movement. But there has been a shifting of circumstances and figures, which seems now to give a different complexion to the scene. Nor is it any one symptom taken alone, but the concurrence and convergence of many, which appears to warrant the hope that in one shape or another a stroke will be struck in that country for the cause of freedom and of truth.

63. For ourselves, we do not doubt as to the shape which the effect is likely, at all events in its first stage, to assume. We believe that it will be that which has been indicated by the village communities of the Mantovano: an effort to repel the *prepotenza*, the outrageous excess of sacerdotal despotism, and to establish the principle that the Christian community has something to say to the management of its own religious affairs. *What* it means to say and will say, we cannot fully know, until the principle itself has obtained adequate recognition and allowance. It certainly need not assume a revolutionary character: for it is well established in the East, where the conservative idea has run even perhaps into extremes, but where considerable scope is notwithstanding allowed in ecclesiastical matters to the popular element. The union of Italy in one and the same Church, and the unlikelihood of any considerable secession from that Church, unless under extreme circumstances, greatly favour any reasonable design for fixing on this basis some new regulation of ecclesiastical affairs. On account of the principle they involve, an imitation elsewhere of the proceedings of the three village communities would be of all others

the best and most healthful sign. We do not mean that the popular election of the parochial clergy is a panacea for all ills, nor necessarily, that, that measure, in the exact Mantuan fashion of it, is marked out for ultimate and universal adoption; but that it is the only and the effectual form under which, according to present appearance, resistance can be offered by the disarmed community of the lower clergy, and by the laity, to an oppressive and paralyzing despotism.

64. The same journal, which contained the sentence of the Mantuan court, contained also intelligence of a case which had just occurred at a considerable distance, in the district of Friuli. The priest of Pignano, near Cividale, having been removed by the Archiepiscopal Court of Udine, the parish became vacant. The inhabitants invited a clergyman named Vogrig, who had been suspended from the performance of Church offices (*à divinis*) several years back as a liberal Catholic, to assume the charge. Accepting the invitation, he made his entry into the place on a Sunday about the beginning of July, amidst a great concourse of people, and proceeded to celebrate the mass. The Prefect of Udine was asked by the Papal party to interfere; but replied that his sole duty was to look to public order. In this view he sent a handful of *carabinieri* to the place, whose active services do not appear to have been called for. An early future, as vacancies in parishes from time to time occur, will test the popular feeling in regard to movements of this description.

65. But there are other features discernible in the present state of Italy, which cannot be omitted from an outline such as we are endeavouring to present to view. It is not merely the changes, which have taken place in

that country, have made an opening for the activity of Protestant propagandism, and that its promoters have been sanguine in their statements of results. We see, indeed, no present reason to anticipate any appreciable amount of permanent effect from these operations.

66. In Naples, again, there has emerged from the prevailing irritation a body, which assumes the title of the National Italian Catholic Church, and the proceedings of which require some notice. It stands in a certain relationship to a journal which, since the year 1861, has availed itself of the concession of freedom to the Press, under the title (in our tongue) of 'The Catholic Emancipator, and journal of the Italian Priesthood's National Society for emancipation and mutual help.' It has published a *Statuto Dogmatico-Organico-Disciplinare*, which purports to have been adopted by its members in General Assembly, and which is reputed to have been drawn by the Cavaliere Prota Giurleo, a presit stated to be very competent in learning. The *Statuto* acknowledges the authority of Divine Revelation, and of the Universal Catholic Church, and adheres to the Episcopal government, the theory of which, however, it expounds in terms so low as to weaken, if not to efface, its essential distinction from Presbytery. "The bishop is no more than the first among brethren, all equals in the priesthood" (Art. 25). With this exception, the document may be said to eschew organic change, and to set forth only moderate reforms. But there is a remarkable contrast between this *modus operandi*, and that of the *Alt-Katholiken* of Germany. The Germans have resolutely taken time to consider their course, before launching a scheme of reformation; whereas, this section of Italians have aspired as a religious community, to spring full-grown and full-armed into life.

like Pallas from the head of Zeus. A form of oath is appended to the *Statuto*, which, in terms (we should have thought) rather too precise, sets forth the promise to maintain it.

67. The preparation of this document was followed up by the election of Monsignor Domenico Panelli as the first bishop. He bears the title of "Catholic Archbishop of Lydda," and a short memoir of his life has been printed in the *Emancipatore Cattolico*, No. 15, of the present year. He is here certified by "Monsignor *Benjaminus Erscriidis, Archiepiscopo di Neapoli*," to have been consecrated archbishop by him, and an assistant prelate, in the year 1869, at Constantinople. The name of "*Benjaminus Eusebides Dimitrio, Neapoleos, rit. Græc.*" appears in the authentic list of the signatures to the Acts of the Vatican Council, among the Archbishops.\* Monsignor Panelli himself was, so says the narrative, summoned to Rome in 1863 with flattering promises; but on his arrival he was arrested by order of the Inquisition, and, in March of the following year, condemned to imprisonment for life, upon the charge of having procured ordination and consecration according to the forms of the Eastern Church, but really for opinions favourable to Italian nationality. In 1869, he effected his escape, and the narrative closes somewhat oddly with the statement, not only that he was once more invited to Rome by the Pope in 1872, but that he acted upon the invitation, and received there the Pontifical benediction. However, on the 16th of May 1875,† the *Statuto* to which we have referred was solemnly inaugurated in his chapel at Naples, when he swore to it in the presence of

\* 'Acta et Decreta,' Romæ 1872, p. 102.

† 'Emancipatore Cattolico,' May 22, 1875, No. 15.

those assembled. About two hundred names, belonging to various ranks and professions of society, are subscribed to the record of the meeting. But it is stated upon authority that the number of persons who had participated in his election on May 2 was no less than 2532. Since that date another episcopal election seems to have taken place in the new communion: the name of the dignitary thus chosen is Trabucco.\*

68. Our general information respecting the body thus organised, and respecting the society of priests from whose bosom it appears to have sprung, is not sufficient to warrant our giving an immediate opinion on the question whether the schism is one of serious importance. But we understand that at this early date Archbishop Panelli is at issue with the framer of the *Statuto*; and it would be at the very least premature to treat the movement as a sister to that of the German Catholics.

69. It may, however, be observed with justice upon all which we have thus far detailed, that no broad conclusion can be drawn from manifestations which, if taken at the best, are no more than partial or local. But the very remarkable document of which we have already made a passing mention, by which nine thousand Italian priests virtually testified their opposition to Ultramontanism, cannot be placed in the same category. It is probable, indeed, that of late years the patriotic section of the clergy may have dwindled under the action of the great powers of patronage, as well as of pressure, wielded by Rome and those who are the tools of Rome. Still there remains enough to warrant a pretty confident belief in the existence, among the clergy, of a somewhat wide-

spread sentiment adverse to despotism in the Church. Unless we have been much deceived in the tidings which reach us, this sentiment is represented in the clergy of Rome itself by persons who are alike able and disposed to make their voices heard when the proper time arrives, and whose voices when heard will be respected.

70. Some men indeed there are, in all times, who are always waiting for a proper time that never comes: men who either beguile themselves with the idea that they have manhood and resolution equal to acting in great crises, when they have none, or who at best wait upon the chapter of accidents, and find their subsistence in the hope of crumbs which now and then may fall from fortune's table. We must not hastily conclude that these men are such. It is a serious matter to break away, even in the best cause, from the constituted organisation of the Church: though this is the destiny that, in the sharper passages of ecclesiastical history, has oftentimes fallen to the lot of her Fathers, her Saints, and her Heroes. But the wise man will not embark his hopes in a scheme of rupture, while he can reasonably place them elsewhere. The disastrous changes of religion, which the present generation has witnessed, are especially associated with the personality of the reigning Pope: and, though his old age be still a green old age, it is not unreasonable that Roman clergymen should look forward to the epoch of his demise as that which is likely to set its mark, once for all, upon the time, and to determine the triumph or decline of the principles and policy of Vaticanism in the Latin communion. This their last hope, we are told, they fondly refuse to abandon.

71. However obstinately the Ultramontane party is set upon the restoration by foreign arms of the Temporal



Power, it is a fact worthy of notice that Padre Curci,\* a prominent Jesuit, and for some thirty years or more a well-known champion of the Papacy, has been permitted to put forth a recommendation that peace, or a *modus vivendi*, should be established with the Italian Kingdom. On the other hand, the purpose of Italy is fixed and irrevocable; and her unity, power, and life as a nation are staked on the maintenance of her hold on the city which forms her traditional and historic centre. We are among those, who believe that she may yet have to put forth all her strength in self-defence for this purpose, and that the conflict may for a time be grave. Of the ultimate result, however, it seems impossible to doubt. The clerical government of Rome had every vice under the sun. In principle indefensible, in practice both materially and morally bad, and at the same time incurably impotent, its acceptance would imply so complete a departure from all the tendencies and convictions of the age, that we might as readily expect to see the Pope anathematise Hildebrand or canonise John Knox, as to witness its effectual re-establishment. Among the assured facts of the future, we must reckon the eventual abandonment, by all but hopeless and exceptional fanatics, of the temporal dominion of the Church.

72. It is a subtle and a doubtful question, what may be the result upon its spiritual position. If we regard the Papal system as a religion only, there is no reason why it should be a loser by the change. In these days, the concurrence of secular authority adds little weight to religious

\* See his 'Ragione dell'Opera,' Roma, Bencini, 1874, and the comments on it in the official reply to M. Dupanloup's attack, entitled 'Les Lois ecclésiastiques de l'Italie,' pp. 73-5.

appeals ; and that little seems from year to year rather to diminish than to grow. The Oriental Church has a hold on its adherents, and a promise of permanence, at least as trustworthy and strong, as the Roman system ever has enjoyed ; but it has never possessed any temporal dominion. But then the Roman scheme has habitually included for so many centuries the unrestrained use of secular and even coercive instruments for the maintenance of spiritual power, that this bad custom has become to it almost as a second nature. We do not now speak of the uniform tendency of the Roman Church towards the limitation of civil liberty in all states where it has the advantage of a majority. We speak of the actual exercise, down to the latest hour of temporal dominion, by the Court of Rome, of coercive power over bishops and clergymen within the dominions of the Pope. The method was to summon them to Rome upon their spiritual allegiance ; and, having got them bodily there, to apply to them whatever measure of restraint, up to the very highest, might be deemed best for the purpose of repression. The reader will have observed Monsignor Panelli's description of his own case ; and it is in some ways sustained from other sources. But there is no need of illustration by individual instances ; the practice was well known, nor are we aware that the intervention of foreign sovereigns on behalf of their subjects ever was available to pierce into the dark chambers of clerical administration, if indeed such aid ever was invoked. No doubt the possession of a territorial sovereignty, though limited, as was that of the Supreme Pontiff, was an essential condition of the use of coercion in this form, and there are persons of competent authority, whose judgment is not only that the loss of the temporal

power will be felt, but that it will tell very sensibly, in weakening the means of ecclesiastical government over the clerical order. To laymen, the system had in modern times little or no application.

73. We have spoken of particular manifestations in Italy; and we have spoken also of the state of feeling which has prevailed among the Italian clergy, many of whom long maintained in harmony their love of country and their attachment to religion, with very little encouragement from their lay brethren. But it is in the lay quarter that we have had the most recent and cheering signs of a beneficial change. A group or nucleus of distinguished men has formed itself in Italy, and within the circle of its Parliamentary and active life, who appear to have grasped this fundamental truth, that religion, whatever be its source or ground, is an element of power with which States and statesmen must lay their account in the future, instead of contemplating it only as an ornament, or a curiosity, fit for the museums of the past. Through, and behind, and beneath the dense medium of the Roman Court, its worldly tactics, its subtle, constant, and enslaving pressure, they see the religion of the country; that power which chastens and trains the heart, which consolidates society, which everywhere replaces force with love; our guide in life, our stay and our illumination in the dark precincts of the grave. It will not do, as is now more and more felt, to leave all the mass of human action, experience, and discipline towards good, which is expressed in these ideas, to be trodden down by the banded foes both of national and of personal freedom.

74. This wise and sound conviction has prompted the sympathies, with which the courageous action of the Mantuan parishes has been cheered. It has produced the

work entitled *Otto Mesi in Roma*,\* which records with historic fidelity the disastrous proceedings of the Council of 1870; and which describes, from the Christian point of view, the antichristian action of Vaticanism on the minds and lives of men† with a power and sagacity worthy of the best days of Italian thought. It has also led, during the session of the present year, to a lengthened and profoundly interesting debate in the Chamber, on the motion of Signor Mancini. This discussion had for its object to put aside the policy of indifferentism, and to encourage, perhaps even to oblige, the Government to allow the clergy and laity of the Italian Church to make use of their proper and constitutional means of self-defence, against an overbearing tyranny in the Church.

75. The real tendency of the debate was perhaps best exhibited by an amendment proposed by Marquis Anselmi Guerrieri, in a sense friendly to the Government. It expressed the anxiety of the Chamber to turn to full account the rights reserved under the law of Guarantees, and invited the Government to proceed promptly in framing the measures needed to give them full effect. There is, we are confidently assured, much reason to believe, as well as to desire, that when these measures take their place upon the Statute-book of Italy, they will be found to provide effectually against the prevailing oppression. The State may not assume the responsibility of a protective action, for which it recognises its own

\* We are informed that an English translation of this volume will shortly appear. [A very interesting description of rural life in southern Italy, as to religion, is given by Sig. Campaella, in the first volume of his recent autobiography. It gives a pleasing impression, and is honourable both to the clergy and the people.—W. E. G., 1878.]

† 'Febbrajo,' iii. pp. 133-152.

unfitness. But this need not impede its securing to the clergy and people the means of self-protection; so that Ultramontane bishops shall not be thrust upon the dioceses, nor shall flood the parishes with like-minded priests, to the prejudice of the interests, and in defiance of the wishes, of those whom it is their duty to feed in the green pastures, and to lead forth beside the waters of comfort.











